



Zoning Modernization Project

Final Recommendations

May 27, 2015

MERRITT C. BECKER, JR. _____

UNO TRANSPORTATION INSTITUTE

St. Charles Parish Zoning Ordinance – Section III. Definitions

Section III. Definitions includes existing definitions, revised definitions, and new definitions. Existing code language is displayed as normal font; language recommended for removal is shown as ~~striketrough font~~; new language is displayed in **bold font**.

DRAFT 05.26.2015 SUMMARY OF UPDATES: The definitions section includes existing definitions, revised definitions, and new definitions. In order to increase clarity and improve the overall zoning ordinance organization, all regulatory language from existing definitions was removed and placed into the new “Supplemental Regulations” section. This section now serves to provide the public with simply definitions relevant to the zoning ordinance, without regulatory language.

SECTION III. Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word "Building" shall include the word "Structure" and the word "Shall" is mandatory and not directory. "Commission" is the Parish Planning and Zoning Commission and "Planning Director" is the Parish Planning and Zoning Director.

***Abandonment:* The cessation of the use of a property or of a particular use for at least six (6) months. (Also see *discontinuance*).**

Accessory building or structure: A subordinate structure, not sharing a common wall with the main structure, the use of which is incidental to that of the main structure. ~~The connection of such a subordinate structure to the main structure via a covered breezeway (unenclosed,~~

~~not exceeding eight (8) feet in width) shall not be construed as incorporating the subordinate structure into the main structure. Residential accessory buildings are allowed only in the side and rear yards on properties developed with a residential dwelling. Reduced setbacks outlined for residential accessory buildings shall only apply when said accessory building is at least three (3) feet from the main structure, measured from any existing overhangs (not including breezeways). Nonresidential accessory buildings shall include storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis or bogie for movement. This definition does not include temporary on-demand rented storage containers with proof of documentation for personal storage for a period not to exceed one (1) year.~~

~~(Ord. No. 88-11-18, 11-28-88; Ord. No. 97-3-13, 3-24-97; Ord. No. 12-7-4, § I, 7-2-12)~~

***Accessory dwelling unit:* A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.**

~~*Accessory use:* Any use which is incidental to the main use of the site under consideration.~~

~~(Ord. No. 88-11-18, 11-28-88)~~ **A use that is customarily incidental and subordinate to the principal use, and which is located on the same lot as the principle use.**

***Addition or enlargement:* Any construction that increases the size of a building or structure in terms of lot coverage, height, length, width or floor area.**

***Adult establishment:* Any business as defined by Louisiana Revised Statute (LA R.S.) 14:106A, including adult bookstores, adult motion picture theaters, adult mini-motion**

52 **picture theaters, adult live entertainment businesses, adult nightclubs or massage**
53 **businesses. These uses are further defined in (LA R.S.) 14:106. However, those**
54 **massage businesses where all employees associated with massage meet the ethical**
55 **and educational requirements specified by the American Massage Therapy**
56 **Association, or equivalent national or state standards, are exempt from this**
57 **definition.**

58
59 ~~*Aerial:* An antenna extending into the air. (Ord. No. 97-7-4, § 1, 7-7-97)~~

60
61 ***Alcohol Beverage Sales:* The sale of beer, wine, or other alcoholic beverages for on-**
62 **or off-premise consumption.**

63
64 ***Alcohol beverage sales, off-premise:* The retail sale of alcoholic beverages in the**
65 **original manufacturer sealed and labeled container in a business such as a**
66 **grocery store, convenience store or liquor store for consumption off-site.**

67
68 ***Alcohol beverage sales, on-premise:* The sale of beer, wine, or other alcoholic**
69 **beverages as the primary activity (e.g. bars, taverns, etc.) or as an incidental or**
70 **secondary activity to another primary business activity (e.g. full-service or**
71 **specialty restaurants, hotels, banquet halls) for consumption on-site.**

72
73 ***Alteration:* Any change, addition or modification in construction, use or occupancy.**

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75 ***Anchorage:* A place designated for vessels to anchor.**

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77 ***Antenna:* A metallic, graphite, fiberglass, or other device which is attached to a transmission**

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tower, telecommunications tower, monopole, mast, building, or other structure for transmitting and receiving electromagnetic waves. (Ord. No. 97-7-4, § I, 7-7-97)

Apartment: A room or suite of rooms with culinary facilities designed for or used as a living unit for a single family.

~~*Apartment hotel:* A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments, wherein is maintained an inner lobby through which all tenants must pass to gain access to the apartments, and catering to permanent and not transient tenants, and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, cigar and news stands, dining rooms, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk, and having no sign display visible from the outside of the building indicating the existence of such use.~~

~~*Apartment house:* See dwelling, multiple family. (More than one apartment house is referred to as an apartment complex.)~~

***Appurtenance:* An architectural feature of a structure that is higher than the adjacent portion of the structure, such as a chimney, cupola, spire or parapet wall.**

***Attic:* The finished or unfinished space of a building that is immediately below and wholly or partly within the roof framing.**

***Automobile/vehicle dealership:* An establishment that sells or leases new or used, functional automobiles, trucks, vans, trailers, recreational vehicles, boats,**

motorcycles or other motorized transportation vehicles. An automobile/vehicle dealership may contain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Automotive repair, major: An establishment primarily engaging in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

Automotive repair, minor: An establishment primarily engaging in the repair or maintenance of motor vehicles, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, etc., which is conducted within a completely enclosed building.

Bar: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages for consumption on the premises. A bar may include a micro-brewery on-site.

~~*Barroom:* Any business establishment with the primary purpose being the sale of alcoholic beverages for on-premises and off-premises consumption. Such operations require a Class A General retail liquor license through the St. Charles Parish Sheriff's Office and a Special Permit Use through the Planning Commission as outlined in Section VI.C.IV.1.c. of these regulations. This designation, and applicable land use regulations, shall also apply to night clubs, lounges, and dancehalls. A Class A General retail liquor license holder must derive at least seventy five (75) percent of its total retail sales income from the sale of alcoholic~~

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~~beverage for consumption on the premises. The designation shall also apply to those restaurants which serve alcoholic beverages, and which fail to satisfy the food sales percentages outlined in Section III.59. of these regulations. Any word not defined by the St. Charles Parish Code of Ordinances, within this section or any other section, which applies to alcoholic beverages shall be defined by the definitions found in Louisiana Revised Statutes 26:241; except, the definitions provided for in 26:241.13 regarding "premises" shall not apply to any other provisions of the St. Charles Parish Code of Ordinances insofar as it conflicts with these ordinances. (Ord. No. 94-11-2, § I, 11-7-94)~~

Boathouse: A structure consisting of posts and a roof, with or without walls, connected to either a dock or ground in a body of water, constructed for boat storage or related marine use only. The term “boathouse” includes the anchoring system and any walkways or bridges that connect to the structure.

Boat launch: A ramp or similar structure or area used for the placement of a boat into the water and for the retrieval of a boat from the water to a trailer or device.

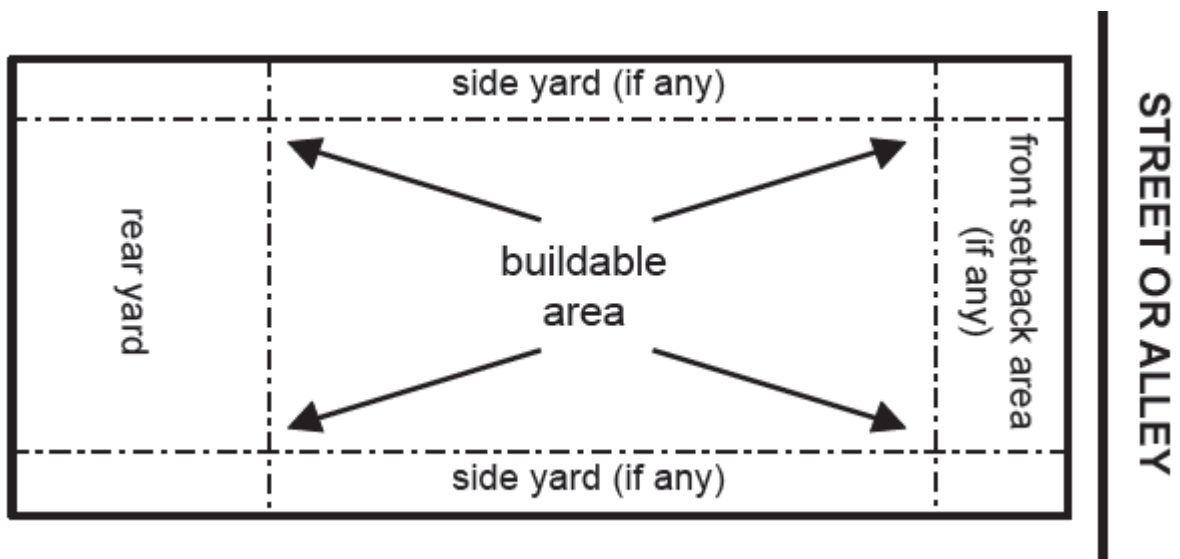
Boardwalk: An elevated public pedestrian walkway constructed over a public street or along a waterfront.

Borrow pit: An excavated hole in the ground from which sand, gravel, soil, or similar material is extracted for use as fill. Borrow pits do not include pits located in navigable waterways, pits used for foundations for buildings, private man-made lakes, and pits developed as swimming pools or similar accessory facilities.

Brewery/distillery: A facility for either the production and packaging of malt beverages of low alcoholic content for wholesale distribution, with a capacity of more than twelve thousand (12,000) barrels per year, or for the distilling of liquors, with a capacity of more than twelve thousand (12,000) gallons per year.

Buffer or buffer zone: A strip of land established to protect one type of land use from another which is may be incompatible. The buffer may include landscaping, fencing or other buffering materials.

Buildable area: The portion of a lot or site, exclusive of required yard areas, setbacks, landscaping, or open space within which a structure may be built.



Building: ~~Any structure designed or built for the support, enclosure, shelter, or protection of a person, animals, chattels, or property of any kind.~~ Any structure, either temporary or permanent, having a roof and designed, intended or used for the sheltering or protection of persons, animals, or property of any kind.

Building (main, primary, principal): A building in which is conducted the principal

173 **use of the lot on which it is situated. A dwelling shall be deemed to be the main**
174 **building on the lot in all residential districts.**

175
176 ***Building temporary:*** **A building located at a construction site that serves only as**
177 **an office or storage until the given construction work is completed.**

178
179 ~~*Building official (same as Code Enforcement Officer):*~~ The officer or other designated
180 authority charged with the administration and enforcement of ~~this~~ **the Louisiana State**
181 **Uniform Construction Code (LSUCC)**, or his duly authorized representative.

182
183 ~~*Business and professional officers:*~~ ~~The office of a business and professional person who~~
184 ~~offers skilled services to clients and is not professionally engaged in the purchase or sale of~~
185 ~~economic goods including but not limited to establishments used by physicians, surgeons,~~
186 ~~dentists, physiotherapists, psychiatrists, real estate, saving, loans and finance, banks,~~
187 ~~employment agency, animal clinic, persons clinic, advertising agency, travel bureau,~~
188 ~~opticians, studios for professional work or teaching of any form of fine arts, photography,~~
189 ~~music, drama or dance, quasi governmental offices and governmental offices.~~

190
191 ***Cafeteria:*** A restaurant at which patrons serve themselves at a counter and take the food to
192 the tables to eat.

193
194 ***Canopy:*** **A roofed structure constructed of fabric or other material supported by the**
195 **building or by support extending to the ground directly under the canopy placed so**
196 **as to extend outward from the building providing a protective shield for doors,**
197 **windows and other openings.**

Carport: An accessory structure consisting of a canopy or shed attached or adjacent to the main structure and open on two (2) or more sides for the purpose of providing shelter for one (1) or more vehicles.

Car wash: A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles or other light dirty equipment, whether automatic in an enclosed structure or by hand.

Casino: A building in which the primary use is legal gaming as defined by the State of Louisiana.

Cellular installation: Facility transmitting and receiving electromagnetic frequency transmissions in the 800—900 MHZ ultra-high frequency (UHF) range. (Ord. No. 97-7-4, 7-7-97)

Cemetery: Land used or dedicated for the burial of the dead, including crematoriums, columbariums, mausoleums and necessary sales and maintenance facilities.

~~**Child care center:** Any place operated by a person, society, agency, corporation, institution, or any other group that is licensed by the State of Louisiana wherein are received seven (7) or more children under seventeen (17) years of age who are not related to such person, and whose parents or guardians are not residents in the same house and with such person, society, agency, corporation or institution responsible for the control and care of children enrolled therein. (Ord. No. 88-11-19, 11-28-88)~~

Church: See House of worship

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Clinic, animal: A building used by one or more professional medical persons for the healing arts or treatment of small animals on an out-patient or nonboarding basis only, without runs.

Clinic, persons: A building used by one or more professional medical persons for the healing arts or treatment of persons on an out-patient or nonboarding basis only.

Club: Buildings and facilities owned and operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is normally carried on as a business.

***Clubhouse:* The principal building associated with a golf course, tennis club, or similar recreational facility that typically contains the pro shop, administrative offices, exercise facilities and locker rooms, golf cart storage and maintenance, and may also contain food and beverage services, including public meeting and banquet rooms and related facilities.**

Coastal dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. (Ord. No. 95-5-7, § I, 5-15-95)

Code enforcement officer (~~same as building official~~): The officer or other designated authority charged with the administration and enforcement of this Code, or his duly authorized representative.

Co-location: Locating wireless communications equipment from more than one provider on one site. (Ord. No. 97-7-4, § 1, 7-7-97)

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Commercial activity: The exchange of goods, products, services, or property of any kind. The buying, selling, exchange, or associated storage of articles, including the manufacture or production of same for commerce. The term "commercial activity" shall not be construed to include the occasional and isolated sales or transactions by a person who does not hold himself out as engaged in business. (Ord. No. 96-7-5, § I, 7-1-96)

Commission: Same as Planning Commission **of St. Charles Parish.**

Communications equipment shelters: A constructed or prefabricated building or other structure located on a telecommunications site designed principally to enclose equipment, switches, communication lines, and other related facilities used in connection with telecommunications transmissions. Communications equipment shelters shall not be considered as an accessory use for purposes of determining the required setback limitations. (Ord. No. 97-7-4, § 1, 7-7-97)

***Community center:* A facility to be used as a place of meeting, recreation, adult training or social activity, and not operated for profit, which is open to the community and designed to accommodate the surrounding neighborhood or the larger community.**

***Community garden:* Neighborhood-based developments that provide space for community members to grow plants for beautification, education, recreation, community distribution or person use. These sites shall be owned and managed by public or civic entities, non-profit organizations, or other community-based organizations that are responsible for maintenance and operations.**

Conceptual development plan: A generalized plan drawn to scale for development of property requested to be zoned as a planned unit development and that identifies the following: the use of the property; the intensity of the uses expressed in number and type of dwelling units, gross square feet in commercial, industrial or other uses; general location and size of proposed buildings; streets and roadways within and adjacent to the property; access points, parking areas, and the number of spaces; open space to be preserved and open space to be created; general vegetation; legal description; total acreage; graphic scale; and north point.

Contractor storage yard: Any land or buildings used primarily for the storage of equipment, vehicles, machinery, or other building materials or construction contractor in the conduct of any building trade or craft.

Condominium: ~~A multi-family dwelling (see Dwelling below) whereby individual dwelling units are sold rather than rented~~ A single-dwelling unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

Convalescent home: A facility that provides nursing services and custodial care on a 24-hour basis for persons suffering from illness, other than mental illness, which is not of sufficient severity to require hospitalization, or persons requiring institutional care.

Correctional facility: A public or privately-operated facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the

violation of civil or criminal law. Such facilities include adult detention centers, juvenile delinquency centers, jails or prisons.

~~*Dancehall:* A commercial enterprise offering dance-related entertainment facilities for adults, including the sale of alcoholic beverages for on-premises and off-premises consumption. Such operations require a Class A General retail liquor license through the St. Charles Parish Sheriff's Office and a Special Permit Use through the Planning Commission as outlined in Section VI.C.IV.1.c. of these regulations. See "Barroom", Section III.5. of these regulations. (Ord. No. 94-11-2, § II, 11-7-94)~~

***Day care center, adult:* A facility where, for a portion of a twenty-four (24) hour day, functionally-impaired adults that are not related to the owner or operator of the facility are supervised or participate in a training program. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity. An adult day care center does not include adult day care homes.**

A. *Day care center, small:* Up to fifteen (15) adults

B. *Day care center, large:* Sixteen (16) to fifty (50) adults

C. *Day care center, commercial:* Fifty-one (51) or more adults

***Day care center, child:* A facility where, for a portion of a twenty-four (24) hour day, supervision and guidance of children that are not related to the owner or operator of**

the facility is provided on a regular basis. A child day care center does not include a child day care home.

A. Day care center, small: Up to fifteen (15) children

B. Day care center, large: Sixteen (16) to fifty (50) children

C. Day care center, commercial: Fifty-one (51) or more children

Day care home, adult: A private home in which a permanent occupant provides care for the elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day. This excludes alcohol and drug abuse clientele, former inmates of prisons or correctional institutions or former patients of mental institutions who have been found not guilty by reason of insanity.

A. Day care home, small: Up to five (5) adults

B. Day care home, large: Six (6) to twelve (12) adults

Day care home, child: A private home in which a permanent occupant provides care for children from outside households in a protective setting for less than twenty-four (24) hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12). A child day care home does not include homes that receive children from a single household.

A. Day care home, small: Up to five (5) children

B. Day care home, large: six (6) twelve (12) children

Density: The number of dwelling units that are allowed on an area of land.

Detention/Retention Pond: A man-made basin designed to protect against flooding by storing stormwater for a limited period of time.

Directional boring: Method of installing underground pipes, conduits and cables in a shallow arc along a prescribed bore path using either a drilling fluid and directional cutting heads, or high pressure water jets to cut the desired bore hole below ground without needing an open trench. This shall include the process known as "hydro tunneling." (Ord. No. 12-4-16, § I, 4-23-12)

Directional boring slurry: Any viscous material removed by use of directional boring technology either containing drilling fluids, or simple water and soil mixtures. (Ord. No. 12-4-16, § I, 4-23-12)

Discontinuance: (Also see abandonment) The abandonment of a property or of a particular use for a period of at least six (6) months. The determination of discontinuance for non-conforming uses or structures shall be supported by evidence, satisfactory to the Planning and Zoning Department (e.g. the actual removal of equipment, furniture, machinery, structures, or other components of the non-conforming use and not replaced, the turning off of the previously connected utilities, or where there are no business receipts/records or any necessary licenses available to provide evidence that the use is in continual operation).

District: Any part of the Parish of St. Charles in which these zoning regulations are uniform.

***Dock:* A wharf or a row of piers with no enclosed buildings or roofs, where boats can be moored, loaded or unloaded.**

***Dormitory:* A structure specifically designed for the long-term stay by students of a college, university or non-profit organization, for the purpose of providing rooms for sleeping purposes. A common kitchen and common gathering rooms for social purposes may also be provided.**

***Drainage plan:* A plan showing proposed site drainage features for controlling storm water runoff and conveying it to public outfalls. A drainage plan shall also include runoff calculations for engineering review, evidence that the drainage plan has been submitted to and reviewed by the storm water drainage authority with jurisdiction over the site, and that the drainage plan has been approved by said authority.**

***Driveway:* A private access way, not classified as a street, road or highway.**

~~*Dwelling:* A building used entirely for residential purposes and shall not be construed to include trailers. A single family dwelling is a building that contains only one living unit including attached buildings in the case of townhouses; a two family dwelling (duplex) is a building that contains only two (2) living units; and a multi family dwelling is a building that contains more than two (2) living units.~~

Dwelling, single-family: A building that contains only one dwelling unit including attached buildings in the case of townhouses.

Dwelling, two-family: (also see *duplex*) A building that contains a maximum of two (2) attached dwelling units.

Dwelling, multifamily: A building that contains more than two (2) dwelling units.

Dwelling, townhouse: A building on its own separate lot of record containing one (1) dwelling unit that occupies space from the ground to the roof, and that is attached to one (1) or more other townhouse dwelling units by at least one (1) common wall.

Dwelling unit: Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

Eave: The projecting sides of a roof overhanging the wall of a building.

Encroachment: The extension or placement of any structure or component of a structure into a required yard, setback, or street right-of-way.

Extraction: The removal from the premises of sand, gravel, shells, topsoil, minerals, or other natural resources from a lot or a part thereof.

***Façade:* The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.**

Family: One or more persons, related by blood, marriage, or legal adoption, living together and occupying a single housekeeping unit with single culinary facilities; or a group of not more than four (4) unrelated persons living together by mutual agreement **or a registered domestic partnership** and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis. ~~A family may also be four (4) or less unrelated persons living under the care of a designee of the actual parent(s) or under the care of a person having legal custody; the designee or custodian shall not be counted as inclusive of the maximum number as stated.~~ Also, domestic servants resident on the premises shall not be considered a separate family for the purposes of this ordinance.

Farm: Any parcel of land which is used for gain in the raising of agricultural or aquicultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It include[s] the raising of fur-bearing animals, riding academies, ~~livery or boarding stables, and dog kennels.~~

Farmer's market: ~~An O-L zoned site used for the commercial sale of farm products, seafood and other edible products, grown or produced on the property, and which conforms to the design criteria contained in the zoning district criteria and regulations. (Ord. No. 86-4-2, § 1, 4-7-86; Ord. No. 92-9-20, § 1, 9-21-92)~~ **The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and animal agricultural products, occurring in a pre-designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale. (Includes vendors selling non-agricultural products as well).**

Fence: A barrier, solid or otherwise used as a boundary or means of enclosure for protection, confinement, or concealment. ~~A structure serving as an enclosure, a barrier, or a boundary and made of wood, masonry, or chain link galvanized metal.~~

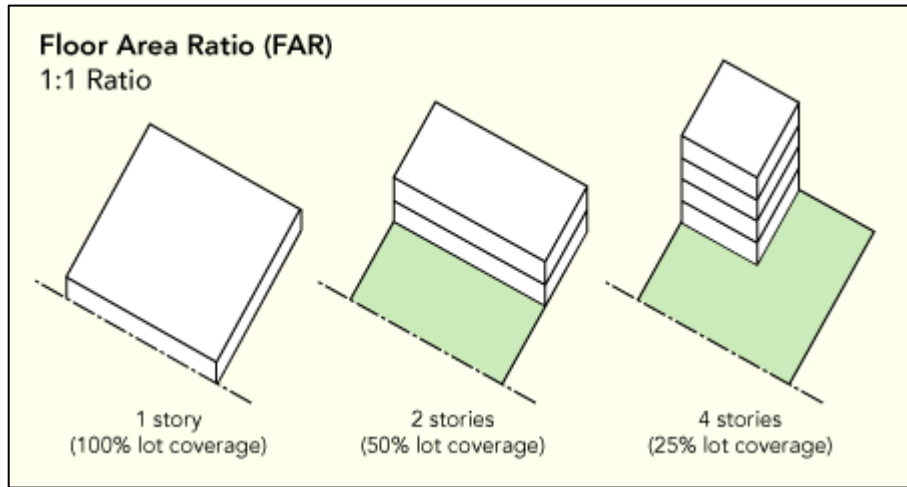
~~**Filling station:** Any building, structure, or land used for the dispersing, sale, or offering for sale at retail of any automobile fuels, oils, or accessories, except that indoor car washing, minor motor adjustment, and flat tire repair may be performed when incidental to the conduct of a filling station.~~

~~**Fire wall:** Fire walls shall be of non-combustible material having a fire resistance rating of not less than four (4) hours and have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall. Fire walls shall start at the foundation and extend continuously through all stories to and above the roof except where the roof is over fire resistive construction and the wall is carried up tightly against the underside of the roof slab.~~

Floor area: The sum of the gross horizontal areas of the several floors of the main building but not including the area of roofed porches, terraces, or breezeways. All dimensions shall be measured between exterior faces of the walls. Or (existing in “Parking” - the square feet of floor space on all floors of a building within the exterior walls. It does not include porches, garages, basements or cellar space, stair wells, elevator shafts or mechanical equipment rooms, inner courts, corridors and malls from which goods or services are not offered or sold.

Floor area ratio (FAR): The total floor area of all buildings or structures on a zoning

lot divided by the area of said lot.



Frontage: All portions of a lot abutting a street right-of-way measured along the property line of the public right-of-way and the private property.

Funeral home: An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

~~**Garage parking:** A building, land or portion thereof designed or used for the temporary storage of motor driven vehicles, with or without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustments, and flat tire repair when such operations are incidental to the storage of motor driven vehicles.~~

~~Garage, private: An enclosed space for the storage of not more than three (3) motor vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one motor vehicle is leased to a non-resident of the premises; and provided further that not more than one of the vehicles stored shall be a commercial vehicle of not more than two-ton capacity.~~ **An accessory building for the storage of motor vehicles.**

~~Garage, public: A building, land or portion thereof other than a private, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.~~

Gardening: The growing of herbs, fruits, and vegetables for resident use only.

Gas/service station: A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the tanks of motor vehicles.

Government facility: A building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public, and shall include public works and public safety facilities.

Grade, finished: The average elevation of the ground surface that exists after man-made alterations, such as grading, grubbing, filling or excavating.

Grade, natural: The average elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling or excavating.

~~*Green market:* A permanent or seasonal market involving the setting up of two (2) or more booths, tables, platforms, mobile units, or similar displays where producers and/or growers sell fresh produce and/or value added products directly to customers at stalls or mobile units in an open air location; where individual vendors operate under the supervision of a market proprietor who shall rent or otherwise arrange for assigned space(s) for each vendor and provide proof of each vendor's compliance with all applicable federal, state, and local regulations. (Ord. No. 03-1-12, § 1, 1-21-03; Ord. No. 09-7-16, § 1, 7-20-09). Items permitted for sale shall be limited to:~~

- ~~• Fresh produce such as fresh fruits and vegetables, edible grains, nuts and berries, and herbs.~~
- ~~• Nursery items and cut flowers such as plants and trees, fresh and dried flowers, and decorative vegetation grown or legally gathered by vendors themselves.~~
- ~~• Value added agricultural products such as but not limited to juices, wines, honey, jams, jellies, dried fruits, baked goods, and dairy products.~~
- ~~• Foods prepared elsewhere or at market sites.~~
- ~~• Poultry, meats, fresh farm raised or harvested seafood, dairy or poultry products.~~
- ~~• Promotional items and books may be offered only through the market proprietor.~~
- ~~• Original handmade art works and crafts. Only original art work will be permitted. Arts and crafts vendors shall not exceed fifty (50) percent of total vendors at any market site. Arts and crafts vendors shall be permitted one (1) time per month at each market site. (Ord. No. 09-7-16, § 1, 7-20-09)~~

~~*Green market proprietor:* Sponsoring entity of a green market that shall assume and maintain legal and financial responsibility for the green market, that shall oversee the market~~

~~site, and that shall certify compliance of each vendor with all applicable federal, state, and local statutes and regulations. Such sponsoring entity shall obtain and maintain tax exempt status under authority of the United States Internal Revenue Code, Section 501(c)(3) or Section 521.~~

Gross floor area: The total area of all the floors of a building, including intermediately floored tiers, mezzanine, basements, garages, unfinished attics, etc., as measured from the exterior surfaces of the outside walls of the building.

Group home or community home: A single-family residential structure, specifically licensed by the State of Louisiana, for occupancy of unrelated persons.

Hazardous material (or hazardous chemical): Material presenting dangers beyond the fire problems relating to flash point and boiling point. These dangers may arise from but are not limited to toxicity, reactivity, instability, or corrosivity. (Ord. No. 96-5-17, § I, 5-20-96)

Hazardous waste : A waste, or combination of wastes, regulated by Title 33, Part V of the Louisiana Environmental Regulatory Code (LAC 33.V), which because of its quantity, concentration, or physical, chemical or infectious characteristics may do either of the following: (1) cause or significantly contribute to an increase in mortality or increase or serious irreversible or incapacitating reversible illness; (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of or otherwise managed.

Hazardous waste disposal facility: All structures, appurtenances and improvements on the land used for treatment, storage or disposing of hazardous

waste, including all operations or storing areas, diked overflows, or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled or processed.

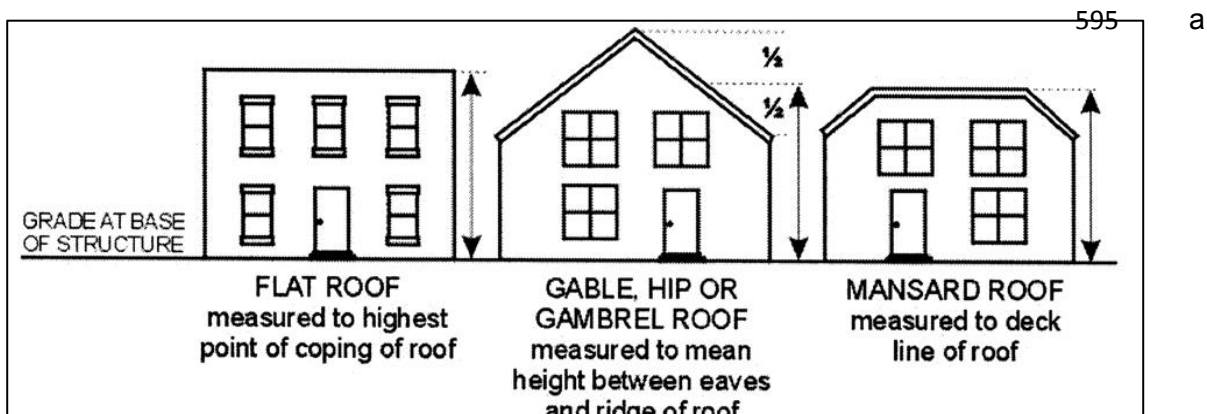
Hazardous waste incinerator: An enclosed device using controlled flame combustion, where the primary purpose of which is to thermally break down hazardous waste.

Hazardous waste processing facility: Any commercial facility, as defined by LAC 33.V§106, that treats or stores hazardous waste generated on properties other than those on which the processing facilities are located.

Hazardous waste storage: Any environmentally sound facility used to store hazardous waste for a temporary period as regulated by LAC 33.V.

Hazardous waste treatment: The physical, chemical or biological processing of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

Height of a building: The vertical distance from the **finished** grade to (a) the highest point on



flat roof, (b) the deck line of a mansard roof, or (c) the mean height between eaves and ridge for gable, hip and gambrel roofs.

Historic home site bed and breakfast: Accommodations for tourists and travelers which provide sleeping rooms within an historic home or on the historic home site in another historic structure. Historic home sites are identified as having a main structure that is over one hundred (100) years old and is located in a commercial or historic zoning district. (Ord. No. 13-7-6, § I, 7-1-13)

~~*Home occupation:* A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. A home occupation shall meet the requirements of section XXII of the Code of Ordinances, appendix A. (Ord. No. 86-7-6, 7-7-86; Ord. No. 87-4-11, 4-20-87; Ord. No. 92-11-16, § I, 11-16-92)~~ **A business, profession, occupation or trade conducted within the principle structure of a residential use by a resident of the dwelling which is incidental and secondary to the residential use of the dwelling, does not change the essentially residential character of the use, and which complies with the requirements of Section XXII Home Occupations.**

Hospital: A building ~~or portion thereof~~ designed or used for the diagnosis, therapeutic treatment, or other care of ailments of patients who are physically or mentally ill..

Hotel or motel: ~~A dwelling not consisting of living units and with facilities for more than twenty (20) persons.~~ A business providing temporary living and sleeping accommodations.

House of worship (Religious Institution): A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain religious expression, together with all accessory buildings and uses customarily associated with such primary purpose.

Impervious surface or material: Material that does not allow the penetration of water to the ground.

Intensity: Relative measure of development impact as defined by characteristics such as the use/activity, number of dwelling units, amount of traffic generated, and amount of site coverage. To alter the character of a development to the extent that the use generates new or different impacts to the surrounding neighborhood constitutes an intensification of use.

Institution: A building or group of buildings designed or used for the non-profit, charitable, or public service purposes of providing board, lodging, health care for persons aged, indigent or infirm, or for the purpose of performing educational or religious services and offering board and lodging to persons in residence.

Junk: Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and other scrap metal and the alloys and bones, rags, used cloth, rope, rubber, tinfoil, bottles,

St. Charles Parish Zoning Ordinance – Section III. Definitions

machinery of any type, tools, appliances, fixtures, utensils, lumber, boxes or crates (fabricated or any material), pipe or pipe fittings, conduit or conduit fittings, inoperative motor vehicles, tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition or which are subject to being dismantled.

Junkyard: An open area where any waste, used, or secondhand materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an auto wrecking yard or the storage of keeping of one or more inoperative motor vehicles unless where otherwise specifically permitted but does not include uses established entirely within enclosed buildings. ~~All "junkyards" shall be required to be screened by a minimum of seven foot high solid wood or masonry fence. No person shall operate or cause to operate any junkyard in the parish without first obtaining a license as required by Chapter 13, Article VI, of this Code. (Ord. No. 84-12-6, 12-3-84)~~

Landfill: As defined by the Louisiana Administrative Code Section (LAC 33:VII. Subpart I. Section 115) and generally defined by Types of Facilities as follows:

Type I Facility—a facility used for disposing of industrial solid wastes. Any Type I Facilities shall only be allowed as an accessory use to an approved Industrial Facility.

Type II Facility—a facility used for disposing of residential and/or commercial solid waste.

Type III Facility—a facility used for disposing or processing of construction/demolition debris or wood waste, composting organic waste to produce a usable material, or separating recyclable wastes. As per LAC 33: VII Subpart I. Section 115, construction/demolition debris is further defined as: non-hazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling,

repair, renovation, or demolition of structures, including buildings of all types (both residential and nonresidential). Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:111.5151.B, white goods, creosote-treated lumber, and any other item not an integral part of the structure. (Ord. No. 08-10-9, § I, 08-10-9)

***Landscape plan:* Graphic/written specifications and detailed plans to arrange and modify the natural features such as planting ground and water forms, circulation, walks and other features to comply with the provisions of this Ordinance.**

Laundromat: A business providing for the hire and use on the premises of home type washing, drying and/or ironing machines.

Lawful use: The operation of an activity with proper occupational licenses, when applicable, payment of all applicable taxes and authorized by the zoning ordinance in existence at the time the activity was commenced. (Ord. No. 88-9-24, 9-19-88)

Light manufacturing: The manufacturing or processing of materials employing electricity of [or] other unobjectionable motive power, utilizing hand labor or unobjectionable machinery or processes, and free from any objectionable odors, fumes, dirt, vibration, or noise.

***Live entertainment venue:* An establishment for the presentation of live performances, including musical acts (including karaoke), theatrical plays or acts (including stand-up comedy and magic), revues, dance acts, or any combination thereof, performed by one (1) or more persons, whether or not they are compensated**

for the performance

~~*Living unit:* The rooms occupied by a family. The living unit must include a kitchen.~~

~~*Loading and/or unloading space:* A surface space within the main building or on the same lot providing for the temporary standing, loading and/or unloading of trucks.; said space having a minimum dimensions of forty eight (48) feet in length, twelve (12) feet in width and fourteen (14) feet in height, except as herein provided; and connected with an accepted deeded right of way which affords ingress and egress for vehicles.~~

Local public entity: A facility or service operation which is domiciled in St. Charles Parish, is open to public use, and is supported all or in part by public taxes or levies on private citizens and/or concerns of St. Charles Parish. (Ord. No. 97-1-9, § II, 1-21-97)

~~*Lot:* A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance including permitting buildings together with accessor buildings, the yard area and parking spaces required by this Ordinance. A parcel, tract, or area of land; established by plat, subdivision, deed, or as permitted/created by law; to be separately owned, used, developed, or built upon.~~

***Lot area:* The total area within the lot lines of a lot, excluding any street rights-of-way.**

***Lot, corner:* A lot or parcel of land abutting two (2) or more streets at their intersection or on two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.**

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Lot coverage: The area of the lot covered by a structure or impervious surfaces.

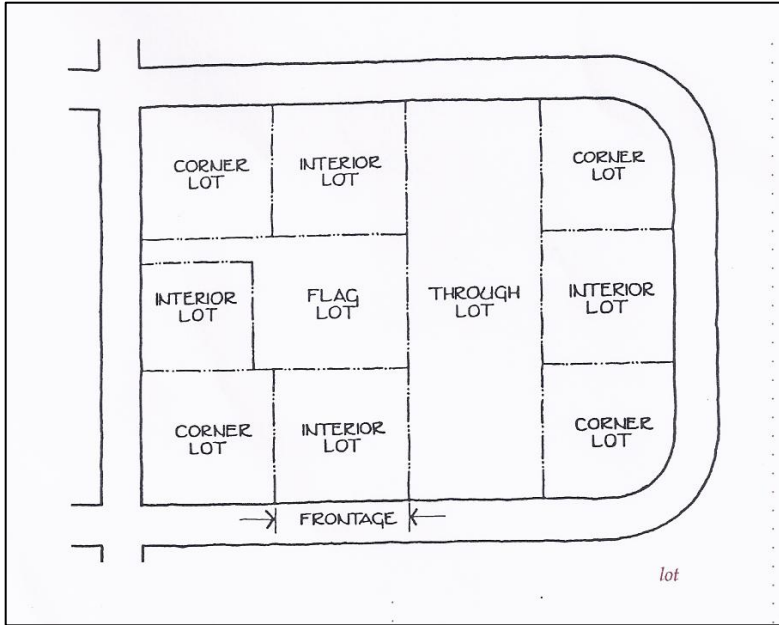
Lot depth: The average distance between the front and rear lot lines.

Lot frontage: The portion of a lot abutting on an improved, public street or way. For the purposes of determining required yard sizes on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage; for the purposes of determining required yard sizes on lots fronting curvilinear streets, the length of the arc between the side lot lines shall be considered lot frontage.

Lot, through: A lot having frontage on two (2) approximately parallel streets or places.

Lot width: The distance parallel to the front lot line measured between side lot lines.

St. Charles Parish Zoning Ordinance – Section III. Definitions



~~**Lot frontage:** That required part of a lot (lot line) abutting on an improved, public street or way. For the purposes of determining required yard sizes on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage; for the purposes of determining required yard sizes on lots fronting curvilinear streets, the length of the arc between the side lot lines shall be considered lot frontage. (Ord. No. 07-1-6, §1, 1-8-07)~~

Lot lines: The lines bounding a lot.

Lot of record: A lot which is either part of a subdivision or a parcel of land which became legally established and defined by deed or act of sale prior to the date of passage of this Ordinance.

Lounges: See "Barroom."

St. Charles Parish Zoning Ordinance – Section III. Definitions

~~**Major street:** A street or highway shown as a major street upon the street plan of the Parish of St. Charles.~~

Manufactured home: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.). A manufactured home shall be a minimum of fourteen (14) feet in width; shall have a pitched, shingled roof, exterior siding which is residential in appearance; and shall be placed on a permanent foundation which provides a complete enclosure of the area between the floor joists or chassis and the ground upon which it is placed. (Ord. No. 87-1-13, 1-5-87)

Manufactured home park: A specially designed community or park which is designed to accommodate either a manufactured home or a mobile home without the requirement for permanent foundations. (Ord. No. 87-1-13, 1-5-87)

Manufacturing, heavy: The assembly or fabrication of goods and materials, which may include the storage of flammable or toxic matter. Heavy manufacturing processes may have significant impacts on the environment or on the use and enjoyment of adjacent property.

Manufacturing, light: The manufacturing from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products.

***Marina:* A facility for the storage, servicing, fueling, berthing and securing of boats along with customary accessory uses.**

Mast: A frame supporting antennas not exceeding thirty-five (35) feet in height which is mounted on a roof or some other structure. (Ord. No. 97-7-4, § I, 7-7-97)

Medical waste: ~~Shall include any solid~~ **Solid** waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. (Ord. No. 90-9-4, § I, 9-4-90)

Medical waste storage facilities: ~~Shall include any~~ all facilities in which medical waste is temporarily held at a central collection point, including but not limited to transfer facilities.

Medical waste treatment or disposal facilities: ~~Shall include any~~ and all facilities for the purpose of changing the character or composition of any medical waste so as to reduce or eliminate its potential for causing disease, including but not limited to decontamination by autoclaving and other methods; incineration; landfill disposal; or sanitary sewer disposal. (Ord. No. 90-9-4, § I, 9-4-90)

Mineral extraction: See "Extraction."

Mini-storage facility (self-storage facility): ~~Any~~ **A** commercial structure offering storage space for lease to the general public for ~~the storage of household goods, furniture, appliances, automobiles, boats, and other similar movables, except for~~ **excluding** highly toxic, flammable, and/or combustible substances. **Recreational vehicles, motor vehicles, boats, RVs, and trailers are allowed as customary accessory uses.** (Ord. No. 98-3-17, § I, 3-23-98)

***Mining and Drilling Activities:* Any pursuit or occupation associated with an area of land where operations are conducted to extract valuable mineral deposits, petroleum, or other materials.**

~~*Minor street:* A street or highway not shown as a major street upon the street plan of the Parish of St. Charles.~~

Mobile home: A structure equipped for use as a dwelling and designed to be transported or hauled along a highway or public street. Mobile homes may or may not be certified by the Federal Manufactured Housing Construction and Safety Standards Law. (Ord. No. 87-1-13, 1-5-87)

~~*Modular home:* A factory built home constructed to Southern [Standard] Building Code Standards, and assembled on site by joining two (2) or more factory built, three dimensional sections (called modules). (Ord. No. 87-1-13, 1-5-87)~~ A dwelling unit assembled in accordance with the state and local building codes and composed of modules or sections substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monopole (standard): A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations that is intended to support antennas necessary to deliver and receive telecommunications transmissions. (Ord. No. 97-7-4, § I, 7-7-97)

Monopole (non-standard): A monopole, or other freestanding structure containing antennas, which is designed to camouflage the appearance of a standard monopole, such as a clock tower. Non-standard monopoles shall be designed to be aesthetically compatible with the character of the surrounding area. Artificial tree designs shall not be permitted as non-standard monopoles. (Ord. No. 97-7-4, § I, 7-7-97)

***Mortuary:* (See funeral home)**

~~*Motel:* A group of attached or detached buildings designed, constructed, or under construction or alteration for guest rooms or dwelling units intended primarily for automobile transients, each unit having a separate entrance opening out of doors or into a foyer, with parking space appropriately located on the lot for use by guests of the court, operation of such court to be supervised by a person in charge at all hours. Motels include auto courts, tourist courts, motor courts, motor hotels, and motor inns.~~ **Now “HOTEL / MOTEL”**

Night club: See “~~Barroom~~.”

Nonconforming lot: A lot of record which does not conform to the minimum requirements specified for the district in which it is located. (Ord. No. 88-9-24, 9-19-88)

***Nonconforming site (structure):* A site upon which any of the following design aspects: building, structure, yard, parking, landscaping, buffering, or required setback; lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the requirements contained in this ordinance or amendments thereto which pertain to the district in which it is located.**

St. Charles Parish Zoning Ordinance – Section III. Definitions

~~*Nonconforming structure:* A building, fence, structure or a portion thereof which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the requirements contained in this ordinance or amendments thereto which pertain to the district in which it is located. (Ord. No. 88-9-24, 9-19-88)~~

Nonconforming use: An activity which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the requirements contained in this ordinance or amendments thereto which pertain to the district in which it is located. (Ord. No. 88-9-24, 9-19-88)

Nursery (horticulture): Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

~~*Nursing or convalescent home:* **See Convalescent home.** A building designed or used in whole or in part to provide, for compensation, the care of the ill, senile, or otherwise infirm persons resident on the premises.~~

***Off-Track Betting Facility:* An establishment that accepts wagers on horse and dog races away from a racetrack.**

***Office:* A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.**

***Open space:* That part of a lot, including all yards, which is open and unobstructed from grade level upward and is not occupied by off-street parking, streets, drives, or other surfaces for vehicles.**

Outdoor advertising signs (“Billboards”): An attached or free standing structure constructed and maintained for the purpose of conveying to the public, information, knowledge or ideas. Such structure may be double faced or V type but shall contain no more than four (4) signs in any one unit and not more than two (2) signs side by side. The structure shall have a total length of not more than sixty (60) feet.

Outdoor storage yard: The storage of any material, as a principal use of the lot, or for a period of more than twenty-four (24) hours, including items for sale, lease, processing and repair not in an enclosed structure. Items within an outdoor storage yard must be owned or leased by the owner of the storage yard.

~~*Package liquor retailer (package house):* A commercial enterprise which offers the sale of alcoholic beverages for off premises consumption either as its primary service or as a minor aspect of that enterprise. Such retail or wholesale sales operations require a Class B liquor license through the St. Charles Parish Sheriff's Office. (Ord. No. 94-11-2, § III, 11-7-94)~~

~~*Panelized home:* A factory built home constructed to Southern [Standard] Building Code Standards, and assembled on-site from wall, floor and roof sections built in a factory—sometimes with wiring and insulation in place behind the finished drywall. The panels may be packaged with other factory built components for completion with traditional on-site building techniques. (Ord. No. 87-1-13,~~

Parapet wall: The portion of the wall that extends above the roofline.

Parcel: A lot formally described and recorded with block and lot numbers, by metes and bounds, by ownership or in such a manner as to specifically identify the dimensions and/or boundaries.

Parish: St. Charles Parish, Louisiana.

Parking area or lot: An ~~required~~ off-street parking facility, enclosed or unenclosed; parking area includes parking spaces and access drives.

Parking space, automobile: ~~An area, enclosed in the main building or in a accessory building or unenclosed, having a rectangular area of not less than one hundred sixty (160) square feet with a minimum width of eight (8) feet when unenclosed, or one hundred eighty (180) square feet with a minimum width of nine (9) feet when individually enclosed on two (2) or more sides, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected to a street or alley by a driveway at least eight (8) feet in width which affords unobstructed ingress and egress for automobiles. A delineated space for the parking of an automobile located either within a building or on private or public parking lot.~~

Parking structure: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with these levels being either open or enclosed.

Parks/playgrounds: A facility designed to serve the recreational needs of the residents of the community, and shall include but not be limited to, ball fields,

basketball courts, skateboard parks, playgrounds and field house which may have indoor recreation facilities.

PCS (personal communication service) installation: Facility transmitting and receiving electromagnetic frequency transmissions in the 1,850—2,000 MHZ ultra-high frequency (UHF) range. (Ord. No. 97-7-4, § I, 7-7-97)

***Permitted use:* A use meeting all of the requirements established by this Chapter for the district in which the use is located.**

***Personal service establishment:* An establishment or place of business primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, shoe repair, personal item repair shops, Laundromats, dry cleaners, and tailors. Personal services establishments shall not include any adult establishments or uses.**

***Planned unit development (PUD):* A residential, commercial or mixed-use development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.**

***Planning and zoning director:* Head of the St. Charles Parish Planning and Zoning Department or his duly authorized representative, who shall advise the Planning**

St. Charles Parish Zoning Ordinance – Section III. Definitions

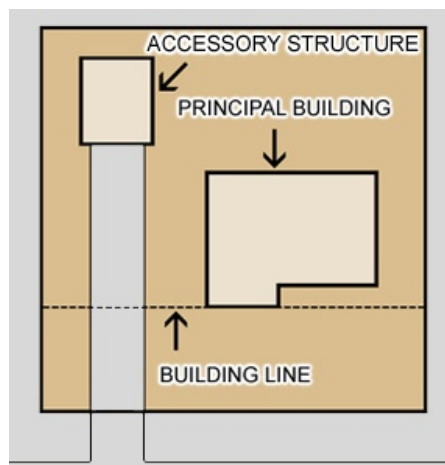
Commission in the exercise of its responsibilities and in connection therewith, provide necessary staff assistance.

Planning commission: **The term "Planning Commission" shall mean the** St. Charles Parish Planning Commission which constitutes the Zoning Commission as identified in the Parish Home Rule Charter in accordance with Louisiana law.

***Plat:* A map representing a tract of land, showing the boundaries and location of individual properties and streets; or a map of a subdivision or a site plan.**

~~*Precut Home:* A type of home built to Southern [Standard] Building Code Standards from a kit of framing lumber and other materials cut to size at a factory. The building [builder] assembles the home with conventional techniques on site using the coded pieces and accompanying instructions. Log and dome homes are included in this category.~~

***Principal building:* A structure on a lot or parcel in which the primary use or function is conducted.**



***Primary Use:* See Principal use.**

Principal use: The primary use and chief purpose of a lot or structure.

Property line: See Lot line.

Public utility station: A structure or facility used by a public or quasi-public agency to store, distribute, and/or generate electricity, gas telecommunications and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

Rated capacity: the maximum number of occupants, as determined by the Louisiana State Fire Marshal's Office.

~~***Rear yard:*** That portion of a lot to the rear of the main entrance of the building. (Ord. No. 88-5-3, 5-16-88)~~

Recreational vehicle (RV): A structure or vehicle used as a temporary dwelling by vacationers, transient workers, etc., designed to be towed by a vehicle or self-propelled, and designed to be licensed as a vehicle. The structure may be used without connections to public utilities; provided however that self-contained, sanitary, water and electrical systems are installed. Additionally, the structure may be occupied in the R-1M District without the requirement to screen the chassis of the structure or vehicle. (Ord. No. 87-1-13, 1-5-87; Ord. No. 03-12-3, § I, 12-1-03)

Recreational vehicle (RV) park: A specially designed community or park which is designed to accommodate recreational vehicles for temporary, recreational or transient uses.

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~~*Restaurant:* A business whose primary function is to take orders for and serve food and food items on all its days of operation. Any establishment whose primary purpose is the service of food for consumption on or off the premises. Restaurants shall be classified as follows: A restaurant must operate a fully equipped kitchen used for the preparation of uncooked foods for service and consumption on the premises and must meet all requirements of the State of Louisiana, Department of Health and Hospitals (Office of Public Health). Restaurants may serve alcoholic beverages, but must gross at least sixty (60) percent of its average monthly revenue (annually) from the sale of food, food items, and non-alcoholic beverages. A restaurant shall maintain separate sales records for alcoholic beverages. Restaurants shall be authorized to sell alcoholic beverages through issuance of a Class A Restaurant retail liquor license by the St. Charles Parish Sheriff's Office. Restaurants which fail to meet the food sales requirements contained in this subsection, and which sell alcoholic beverages for on-premises consumption, shall be categorized as a barroom, lounge, night club, or dancehall (See "Barroom"). (Ord. No. 94-11-2, § IV, 11-7-94)~~

***Restaurant, carry-out:* An establishment where food, frozen desserts or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises. Carry-out restaurants shall not offer alcoholic beverages for sale.**

***Retail sales:* A commercial enterprise that provides goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.**

St. Charles Parish Zoning Ordinance – Section III. Definitions

~~*Retail manufacturing:* Baking, confectionery, dressing, dyeing, laundry, dry cleaning, printing, tailoring, upholstering, fabrication, and assembly businesses of similar or no more objectionable character. subject to the following provisions:~~

~~a. All goods or products manufactured or processed shall be sold at retail.~~

~~b. All such manufacturing or processing shall be done within a building.~~

~~c. All such sites are limited to no more than five thousand (5,000) square feet of building area.~~

~~d. No more than five (5) persons shall be employed at any one (1) time in the manufacturing process.~~

~~e. Such facilities are restricted only to U.S. Highway 90, U.S. Highway 61, and LA Highway 3127. (Ord. No. 88-9-8, 9-6-88)~~

School, business: Privately owned schools offering instruction in accounting, secretarial work, business administration, the fine or illustrative arts, trades, dancing, music, and similar objects.

School, industrial or trade: An establishment, public or private, offering training to students, in skills required for the practice of trades and in industry.

School, private: Privately owned schools having a curriculum essentially the same as ordinarily given in public elementary or high school. The term includes day nurseries and kindergartens.

Servitude: Same as easement. The right, granted by the property owner, to use a portion of a lot for specified purposes, such as public utilities, drainage and other public purposes, the title of which shall remain with the property owner, subject to the right of use designated in the reservation of the easement.

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1049 **Setback:** The required minimum horizontal distance between the building line and
1050 the related front, side, and rear property lines.

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1052 ~~Shopping center:~~ A group of retail stores, planned and designed for the site upon which they
1053 are built.

1054 **Sidewalk:** A paved pedestrian walk usually paralleling a street.

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1056 **Sight triangle:** The triangle at either side of an accessway or public right-of-way at its
1057 junction with a public street within which clear visibility of approaching vehicular or
1058 pedestrian traffic must be maintained in all directions.

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1060 **Sign:** A name, identification, description, display, illustration, or device which is affixed to or
1061 represented directly or indirectly upon a building, structure or land and which directs
1062 attention to a product, place, activity, person, institution or business.

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1064 **Site plan/Development plan:** A scaled drawing showing the location of buildings, lot
1065 lines, landscaping, parking, and access features to describe the existing and
1066 proposed development of a specified lot.

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1068 **Social Club or Lodge:** Buildings and facilities or premises used or operated by an
1069 organization or association for some common purpose, such as, but not limited to, a
1070 fraternal, social, educational or recreational purpose, but not including clubs
1071 organized primarily for profit or to render a service that is customarily carried on as a
1072 business. Such organizations and associations shall be incorporated under the laws

of the State of Louisiana as a non-profit corporation or registered with the Secretary of State of Louisiana.

Special exception use: Those building or land uses requiring **in-depth review and consideration** approval by the **Director of the** Planning and Zoning Department prior to development of the use under question. ~~If a waiver or variance is required for a proposed Special Exception Use, it shall require a Special Permit for the same land use.~~

Special permit uses: Those building or land uses requiring in-depth review and analysis by the Planning and Zoning Department and **approval of the Planning Commission and/or the Parish Council when required by this Ordinance.** ~~Following review by the Planning and Zoning Department, a public hearing will be held by the Planning and Zoning Commission. The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning. The public hearing shall be advertised in the official journal of the parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners. Following this public hearing, the decision(s) of the Planning and Zoning Commission and/or Parish Council will be implemented by the Planning and Zoning Department. Waivers and Variances to Special Permits may be considered under conditions set forth in Section IV.10. of this ordinance. (Ord. No. 08-3-5, § 1, 3-24-08)~~

***Spot zone:* Rezoning a lot or parcel of land which gives to a single lot or a small area**

privileges not extended to other land in the vicinity and which is not done in furtherance of the comprehensive plan or to serve the best interest of the community.

Stable, Private: An accessory building for the housing of not more than two (2) horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

Stable, public: A stable with a capacity for the housing of more than two (2) horses or mules which stable may be operated for remuneration, hire, sale or stabling.

Story: ~~A story is the part of a building other than a basement from one floor to the next floor above or to the ceiling above if there is no floor above. A half story is a space under a sloping roof, all of which space must be at least three (3) feet high but not more than sixty (60) percent of which floor area may be finished off for use.~~ That portion of a building included between the surface of any floor and the surface of the floor next to it; or, if there is no floor above it, the space between the floor and the ceiling above it.

Street: A public right-of-way or private thoroughfare, which provides vehicular and pedestrian access to adjacent properties. **All public streets will be within dedicated rights-of-way.**

***Arterial streets:* A highway primarily for through traffic usually on a continuous route.**

***Collector streets:* A street which provides for traffic movement between major arterials and local streets, and provides for direct access to abutting property.**

***Local streets:* A street primarily for access to residences, business, or other**

abutting property.

***Cul-de-sac:* A local street having an opening at one end and closed on the other end, with facilities for vehicular turn around.**

~~Structure: Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground including advertising signs, billboards, back stops for tennis courts, fences and pergolas, and excluding utility power poles.~~ **A combination of materials constructed or erected with a fixed location on, above, or below the surface of land or water.**

***Subdivision/Resubdivision:* See Appendix C Subdivision Regulations.**

Swimming Pool: Any portable or permanent pool with water eighteen (18) inches or more in depth and two hundred (200) square feet or more of water surface area intended for recreational purposes including a wading pool but not including an ornamental reflecting pool, fish pond or similar type pool less than eighteen (18) inches in depth located and designed so as not to create a hazard or be used for swimming or wading.

***Tattoo parlor:* Establishments where services offered are tattooing, body piercing and non-medical body modification.**

~~*Tenant Dwelling:* A residential structure located on a bona fide farm and occupied by a non-transient farm worker employed by the farm owner for work on the farm.~~

Theater: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Theater, drive in: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures of theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

~~Tourist court:~~ See "Motel."

Towing yard: An open area used for temporary vehicle storage in which no repair, dismantling, auto-wrecking, or sale of salvaged parts occurs. Towing yards shall not exceed storage of fifty (50) vehicles and vehicles shall be stored no longer than ninety (90) days. (Ord. No. 99-3-15, 3-22-99)

Townhouse: a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

~~Townhousing:~~ Two (2) or more single family attached living units with common or party side walls between units, designed so that each unit is sold independently as a lot with its own yards and parking spaces.

Tract: A portion of land identified by letter or number the boundaries of which are shown on the recorded subdivision or development plat. A tract need not be suitable for development.

Traffic impact analysis: An analysis of the effect of traffic generated by a development on the capacity, operations and safety of the public street and highway system.

~~*Trailer:* Repealed by Ord. No. 87-1-13, 1-5-87.~~

Transmission tower: A structure or framework, usually of a steel lattice construction, principally intended to support radio, cellular, telecommunications, television, electric utility and/or any other electromagnetic transmissions, and receiving antennas and/or equipment. (Ord. No. 97-7-4, § I, 7-7-97)

Trash/garbage storage area: That area of a development used for the storage and containment of refuse and refuse containers (i.e. dumpsters).

Travel trailer: See Recreational vehicle.

Truck terminal: a facility which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers. (Ord. No. 98-4-17, § I, 4-20-98)

Truck terminal (with video poker gaming facilities): A facility covering at least ten (10) developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and which also meets the criteria of the State of Louisiana for the placement of video poker gaming facilities within said development. (Ord. No. 98-4-17, § I, 4-20-98; Ord. No. 01-5-18, § I, 5-21-01)

Use: The activity occurring on a lot or parcel, for which land or a building is arranged, designed or intended including all accessory uses.

Use, change of: The change of a classified use of a structure or parcel.

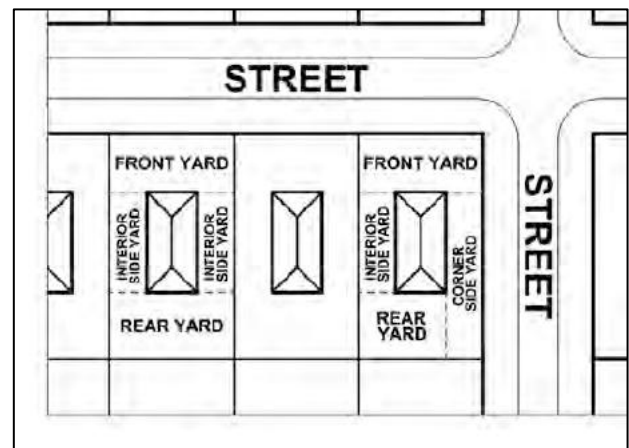
Use, permitted: A by-right use in the zoning district in which the use is located.

Use, temporary: A use that is authorized by the Parish to be conducted for a fixed period of time.

Variance: A deviation from the height, yard, setback, parking or other requirements of this ordinance.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of structure upward except as otherwise provided herein. In measuring a yard to determine the width of a yard, the minimum horizontal distance between the lot line and the maximum permissible main building shall be yard dimension.

Yard, front: A yard extending across the full width of a lot between the side lot lines and between the front property line and the front line of the building projected to the side lines of the building site. The depth of the front



yard shall be measured between the front line of the building and the street line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has the least dimension. This space is considered open space.

Yard, rear: A yard extending across the rear of the lot between the side lot lines and being the minimum horizontal distance between a rear lot line and the rear of the maximum main building. The rear yard shall be at the opposite end of the lot from the front yard. However, on through lots fronting two (2) streets, two (2) front yards shall be provided.

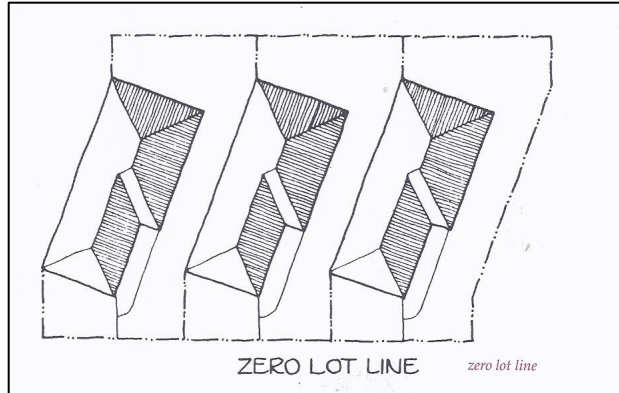
Yard, required: The minimum open space between a lot line and the yard line within which no structure is permitted to be located as provided in this Chapter.

Yard, side: A yard extending from the front yard to the rear yard between the side lot line within which no structure is permitted to be located as provided in this Chapter.

Yard, through: A through yard is any single zoning lot that is not a corner lot and that connects two generally parallel streets. On through yards fronting two (2) streets, two (2) front yards shall be provided.

Zero lot line: "Zero lot line" housing is single-family detached housing which shall have only one side yard. Zero lot line dwellings shall be constructed against the lot property line on one side of a lot.

St. Charles Parish Zoning Ordinance – Section III. Definitions



1247

1248

St. Charles Parish Zoning Ordinance –
Section IV. Special Exception Use and Special Permit Use

Special Exception Use and Special Permit Use were replaced in whole. Existing code language is displayed as ~~strikethrough font~~ and the updated language is displayed in **bold font**.

DRAFT 05.26.2015 SUMMARY OF UPDATES: Section IV. General Provisions. 9. Review and evaluation criteria/special permit use and special exception use and 10. Waiver or variance to zoning regulations for special permit uses were revised to improve the clarity and logical flow of the application review, evaluation, and waiver procedures. Existing paragraph-style formatting was replaced with numbering to decrease the bulk and intensity of the section and improve comprehension and legibility. The notice and revocation processes for SPUs and SEUs were also included in this section to increase convenience and ease for applicants as well as streamline the ordinance by placing items relevant to each other in the same location within the ordinance.

~~Section IV General Provisions 9) *Review and evaluation criteria/special permit use and special exception use.*~~

~~9. *Review and evaluation criteria/special permit use and special exception use:* The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following relevant criteria:~~

~~a. *Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.*~~

~~b. *Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.*~~

St. Charles Parish Zoning Ordinance –
Section IV. Special Exception Use and Special Permit Use

~~c. Potentially unfavorable effects or impacts on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.~~

~~d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.~~

~~e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.~~

~~f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.~~

~~g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.~~

~~h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.~~

~~The above criteria listed in a—g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.~~

~~Once an applicant is granted a special permit use and/or special exception use, the grantee shall have twelve (12) months to begin the construction or operation of the use for which the special permit or special exception is granted. The planning and zoning director may, at their discretion, extend either approval for a single six-month period if extenuating circumstances~~

St. Charles Parish Zoning Ordinance –
Section IV. Special Exception Use and Special Permit Use

~~apply (such as if the special permit or special exception use is in design or permit stage and/or under construction at the end of the twelve month period). Once a special permit or exception is considered operational and ceases operation for a period of six (6) months, that special permit or special exception use shall expire unless otherwise specified by law. Special permit or special exception uses approved prior to the adoption of this ordinance shall expire in accordance with the time periods as set forth above with the time period commencing upon receipt of written notification by the planning and zoning department and adoption of this ordinance. (Ord. No. 09-3-3, § 1, 3-2-09)~~

~~10. *Waiver or variance to zoning regulations for special permit uses.* Should the Director discover that specific aspects of an application for special permit fail to conform to the regulations contained in this ordinance, he may choose to forward the proposal for formal consideration by the Planning Commission and Parish Council if the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or variance to existing regulations. Any application for special permit which contains a request for a waiver or variance shall contain a specific reference to the request and state the reasons that the request be granted. The Planning Commission, with a supporting resolution of the Council, may grant a waiver or variance to these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.~~

~~(Ord. No. 93-12-6, 12-6-93; Ord. No. 08-3-5, § 2, 3-24-08)~~

9. Special Exception Uses and Special Permit Uses - The following general rules apply to all uses approved under this subsection:

72 1. Approval of a Special Exception or Special Permit Use authorizes only the
73 particular use for which the approval is issued.

74 2. No use authorized by a Special Exception or Special Permit may be
75 enlarged, extended, or relocated, unless an application is made for
76 approval in accordance with the procedures set forth in this section.

77 **A. Special Exception Use – Procedure**

78 1. An application for a Special Exception Use shall be submitted to the
79 Department of Planning and Zoning. Applications shall include all plans,
80 surveys, illustrations and documents which completely describe the
81 proposed use.

82 2. The Planning Department shall review the application using the *Evaluation*
83 *Criteria* found in Section D.

84 3. A decision by the Planning and Zoning Director or his designee shall be
85 issued in writing to the applicant either approving, denying, or approving
86 with conditions the request.

87 4. Should the Director find that the literal enforcement of one or more
88 provisions of the ordinance is impracticable or will exact undue hardship
89 because of peculiar conditions pertaining to the land in question, the
90 application may be forwarded to the Planning Commission to request a
91 waiver with a supporting resolution from Council.

92 **B. Special Permit Use - Procedure:**

93 1. An application for a Special Permit Use shall be submitted to the
94 Department of Planning and Zoning. Applications shall include all plans,
95 surveys, illustrations and documents which completely describe the
96 proposed use.

2. The Planning Department shall review the application using the *Evaluation Criteria* found in section D.

3. The Planning Commission shall conduct a public hearing on the proposed Special Permit Use.

a. Based upon the evidence presented at the public hearing, the Planning Commission shall evaluate the application against the *Evaluation Criteria* in section D below.

b. The Planning Commission shall approve, approve with conditions, or deny the application.

c. For those Special Permit Uses requiring a supporting resolution of the Parish Council, the Planning Commission's approval shall be forwarded to the Council.

4. *Waiver to Zoning Regulations for Special Permit Uses.*

a. Should the Director find that the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, the application may be forwarded to the Planning Commission to request a waiver with a supporting resolution from Council.

b. Financial hardships shall not be considered as valid criteria for any such waiver to existing regulations.

c. Any application for special permit which contains a request for a waiver shall contain a specific reference to the request and state the reasons that the request be granted.

d. The Planning Commission, with a supporting resolution of the Council, may grant a waiver to these regulations only when such

requests meet the conditions of this subsection and are not
detrimental to the public interest.

C. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception*
or a *Special Permit Use* shall be evaluated by the criteria below. These criteria
are to be considered illustrative and not restrictive. Other criteria may be
considered though not specifically listed below if said criteria affect the general
health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site
development, building design, hours of operation, and transportation
features related to safety and convenience of vehicular and pedestrian
circulation.
3. Adequacy and convenience of off-street parking and loading facilities and
protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites, to
the extent such impacts exceed those impacts expected from a permitted
use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage,
fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application
process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening

f. Signage

g. Height and bulk of structures

h. Location and direction of site lighting

D. Conditions of approval may be applied to ensure compatibility of the proposed use with existing uses in the same district and the surrounding area.

E. Any Special Exception Use or Special Permit Use which does not commence construction or operation within 12 months after the date of approval shall expire. One extension not to exceed six months may be granted at the Planning and Zoning Director's discretion.

F. Any Special Exception Use or Special Permit Use that ceases operation for a period of six (6) months shall expire unless otherwise specified by law.

G. *Notice* - The Planning and Zoning Department shall post a sign on the affected property which calls attention to the Planning Commission's public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning. The public hearings shall be advertised in the official journal of the parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearings. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners.

H. *Revocation* - A Special Exception or Special Permit Use may be revoked by ordinance of the Parish Council after a public hearing finding that any of the following conditions or events have occurred:

- 1. Violation the terms and conditions of the approval**
- 2. Uncorrected violations of the Zoning Ordinance**
- 3. Violation of the Parish Code of Ordinances**

4. A request is made by the property owner to revoke the use

St. Charles Parish Zoning Ordinance – Section IX. Nonconformities

Section IX. Nonconformities was replaced in whole. Existing code language is displayed as ~~strike through font~~ and the updated language is displayed in **bold font**.

DRAFT 05.26.2015 SUMMARY OF UPDATES: The nonconforming lots section was refined for clarity. The nonconforming structures section now includes nonconforming sites in its title. The clarity of a permitted increase or enlargement of a nonconforming structure/site was improved by adding typical situations that warrant permission. Nonconforming use regulations were made more concise. The regulations for upgrading nonconforming uses were integrated into the nonconforming uses section. The process by which nonconforming uses lapse was also clarified and the process for determining continuation of such a use was codified.

Section IX. Nonconformities.

~~Purpose: The purpose of this section is to outline provisions whereby nonconforming lots, structures, and uses are gradually upgraded to conform with the spirit and intent of this Ordinance or are eliminated.~~

~~A. Nonconforming Lots:~~

~~(1) Any lot of record which does not meet the requirements of this Ordinance shall be considered a nonconforming lot of record.~~

~~(2) When a lot of record has an area less than the minimum requirements for the district in which it is located but was a lot of record in separate ownership from adjacent property at the time of the passage of this Ordinance, or amendments thereto, such lot may be used for any purposes permitted in the district in which the property is located.~~

St. Charles Parish Zoning Ordinance – Section IX. Nonconformities

~~(3) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance.~~

~~(4) No portion of the parcel described immediately above shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.~~

~~B. Nonconforming Structures:~~

~~(1) Any nonconforming structure which existed before the passage of this Ordinance may be continued although such structure does not conform with the provisions of this Ordinance.~~

~~(2) A nonconforming structure shall not be extended or enlarged except when required to do so by law, unless the structure is used as a single family residence or the property owner invokes the provisions of paragraph D. below.~~

~~(3) No nonconforming structure shall be extended to displace a conforming use.~~

~~(4) Any nonconforming structure or portion thereof declared unsafe by proper authority must be restored to a safe condition.~~

~~(5) Once charged to a conformity, such structure will not be permitted to revert to a nonconforming structure.~~

~~(6) Legal nonconforming structures that are destroyed by fire, storm, or other acts of God may be rebuilt provided the restoration is accomplished with no increase in cubical content immediately prior to damage.~~

St. Charles Parish Zoning Ordinance – Section IX. Nonconformities

~~(7) Any nonconforming structure which existed before the passage of this Ordinance, and does not conform with spatial provisions of this Ordinance, may be returned to active use for purposes consistent with the zoning district in which it is located. Any such structure returned to active use must meet all other land use regulations contained in this Ordinance.~~

~~(Ord. No. 94-3-10, 3-21-94)~~

~~C. Nonconforming Uses:~~

~~(1) The lawful use of any building or land existing at the time of the enactment of this Ordinance, or amendments thereto, may be continued although such use does not conform with the provisions of this Ordinance.~~

~~(2) A nonconforming use shall not be extended or enlarged either in intensity of the activity or by physical extension except when required to do so by law or by ordinance or the property owner invokes the provisions of paragraph D. below.~~

~~(3) No nonconforming use shall be extended to displace a conforming use.~~

~~(4) No structural alteration may be made to a building that is nonconforming as to use, unless said building is changed to a conforming use.~~

~~(5) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.~~

~~(6) Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.~~

~~(7) Structures legally nonconforming as to use that are destroyed by fire, storm, or other acts of God may be rebuilt provided the restoration is accomplished with no increase in~~

St. Charles Parish Zoning Ordinance – Section IX. Nonconformities

~~cubical content and no increase in floor area over the building existing immediately prior to damage.~~

~~D. Upgrading of Nonconforming Uses:~~

~~(1) Whenever a structure or land used in whole or in part for nonconforming purposes becomes vacant for six (6) months or when the activities normally carried on in such structure or upon such land are suspended for a period of six (6) months, the following provisions will apply:~~

~~(a) In the case of a structure which is nonconforming because of inadequate parking, or other discrepancies, but is located in the proper zoning district for the proposed use, the owner of the property may enter into an agreement with the Parish of St. Charles, utilizing the format outlined in Appendix B [of this Ordinance, not printed herein], which would require that the discrepancies be rectified within a two-year period from the issuance of a Preliminary Certificate of Zoning Compliance. The agreement will clearly define the corrective measures required and outline a timetable for phased implementation. The agreement will be notarized and filed in the office of the Clerk of Court of St. Charles Parish. Upon recordation of the agreement, the structure may be occupied and business commenced. If at the expiration of the two-year period the agree [agreement] is not complied with, the Planning Director shall issue a notice to terminate occupancy of the structure. If the notice to terminate is not complied with, the provisions of section [sections] XI and XII of his [this] Ordinance shall apply. If, at the expiration of the two-year period, the structure is in compliance with the agreement, or prior to such date, a Final Certificate of Zoning compliance will be issued.~~

~~(b) In the case of a structure which is nonconforming and is not located in the proper zoning district for the proposed use, application must be submitted to rezone the~~

~~property in accordance with the provisions of section XV. If the rezoning request is approved, the provisions of paragraph (a) above may be applied.~~

~~(c) If in the case of either (a) or (b) above, the requirements of the zoning district or other zoning regulations cannot be met (e.g. inadequate property in which to install parking), a variance must be applied for the Zoning Board of Adjustments in accordance with the provisions of section XIII. If the variance is approved the owner may then proceed with the procedures outlined above as appropriate.~~

~~(Ord. No. 88-9-24, 9-19-88)~~

Purpose: The purpose of this section is to outline provisions whereby nonconforming lots, structures, and uses are gradually upgraded to conform to the spirit and intent of this Ordinance or are eliminated.

A. Nonconforming Lots:

1) Any lot of record in existence before October 19, 1981 which does not meet the minimum width and/or area requirements for the zoning district in which it is located shall be considered a nonconforming lot of record.

a. Any portion of ground that does not meet the minimum width and/or area requirement for the zoning district in which it is located resulting from government action shall be considered a nonconforming lot of record.

2) If two (2) or more nonconforming lots of record or two or more portions of lots with continuous frontage in common ownership, and if one (1) or more of the lots does not meet the minimum width and/or area requirements for zoning

district in which it is located, the land involved shall be required to resubdivide into a single lot for development or permitting.

3) No *portion* of the land described immediately above shall be conveyed by sale or transfer if it does not meet the minimum width and/or area requirements for the zoning district in which it is located; however, the entire holding may be conveyed to a single owner. Nor shall any division of land lot be made which leaves remaining any portion of ground which does meet the minimum width and/or area requirements of the zoning district in which it is located.

4) A non-conforming lot of record may be developed if the proposed use and/or structure is permitted within the zoning district and if the proposed development meets all standards of the zoning ordinance.

B. Nonconforming Structures and Sites:

1) Any nonconforming site may be continued although such structure does not conform to the provisions of this Ordinance.

2) Normal maintenance and repairs of non-conforming structures are permitted.

3) A nonconforming structure shall not be increased or enlarged except in the following situations:

a. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting the public safety, or

b. Structures that are legally nonconforming as to height, yards, lot area per dwelling unit, or parking may be altered provided such alteration does not further increase the extent of the nonconformity or permit an increase in the number of dwelling units.

142 **4) Legal nonconforming structures that are destroyed by fire, storm, or other acts**
143 **of God may be rebuilt provided the restoration is accomplished with no**
144 **increase in the building footprint immediately prior to damage.**

145 **5) Any nonconforming structure which existed before the passage of this**
146 **Ordinance, and does not conform with spatial provisions of this Ordinance,**
147 **may be returned to active use for purposes consistent with the zoning district**
148 **in which it is located. Any such structure returned to active use must meet all**
149 **other land use regulations contained in this Ordinance.**

150 ***C. Nonconforming Uses:***

151 **1) The lawful use of any building or land existing at the time of the enactment of**
152 **this Ordinance, or amendments thereto, may be continued although such use**
153 **does not conform to the provisions of this Ordinance.**

154 **2) A nonconforming use shall not be extended or enlarged either in intensity of**
155 **the activity or by physical extension except when required to do so by law.**

156 **3) No structural enlargement may be made to a building that is nonconforming**
157 **as to use, unless said building is changed to a conforming use.**

158 **4) Once changed to a conforming use, no building or land shall be permitted to**
159 **revert to a nonconforming use.**

160 **5) Structures legally nonconforming as to use that are destroyed by fire, storm,**
161 **or other acts of God may be rebuilt within one year provided the restoration is**
162 **accomplished with no increase in building footprint or floor area immediately**
163 **prior to damage.**

164 **6) Whenever a structure or land used in whole or in part for nonconforming**
165 **purposes becomes vacant for six (6) months or when the nonconforming use**

ceases or is suspended for a period of six (6) months, the legal nonconforming use is no longer permitted

a. Cessation or Suspension of Use

i. The Zoning Regulatory Administrator shall determine when and if a legal non-conforming use has lapsed in use, when activities normally carried on in said use have ceased or suspended, or when the building or land has been vacant for six months or more. The owner or agent of the property may request review of this determination through the below provisions.

ii. The property owner or agent bears the burden of proof to demonstrate that a nonconforming use has not lapsed in its operation. The property owner or agent is required to produce acceptable evidence attesting to legal nonconforming use by providing the Director of Planning and Zoning with evidence such as but not limited to documents such as rent receipts, affidavits, documentation of utility services, sales tax receipts, or other information as may be deemed necessary in a particular case.

iii. The Director of the Department of Planning and Zoning shall issue a written determination as to whether or not the documentation provided adequately demonstrates continual operation of the legal nonconforming use within thirty days of a request to review the Zoning Regulatory Administrator's decision. Such request must be made in writing and contain all necessary documents for review.

St. Charles Parish Zoning Ordinance –
Section VI. Zoning District Criteria and Regulations

MANUFACTURED HOUSING

- **Noting that the issue of skirting has been controversial in St. Charles Parish and further recognizing the potential disparate impact of the current regulations in the R-1AM Zoning District, UNO recommends that the following provision be eliminated:**

Section VI Zoning district criteria and regulations [II.] *R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes*—Medium density.

~~3. Special Provisions:~~

~~c. Skirting or foundation plantings as approved by the Zoning and Regulatory Administrator in accordance with the manufacturer's installation instructions to ensure aesthetic compatibility with the residential character of the neighborhood. The entire underfloor of the home shall be completely enclosed, except for the required openings.~~

NOTE: UNO recommends postponing a decision on revisions to this section until a future phase, for the following reasons:

- As in most communities, mobile homes, manufactured housing and related issues can be controversial. **Staff feels more public input is needed before this section moves forward.**
- Many local regulations are derived from federal (HUD) standards and regulations. The LA Manufactured Housing Association has indicated HUD might be revising its standards and/or regulations and it would be prudent to wait to see what changes might be coming down.

A. ~~Policy Statement~~ **Purpose** - It is the purpose and intent of this Section to regulate the placement of manufactured housing within St. Charles Parish in order to ensure that such structures are installed and maintained in a safe and quality condition.

B. *Manufactured Housing Standards* – Manufactured homes and buildings are only allowed in those zoning districts where expressly permitted in ~~the district regulations of this ordinance. in Section VI. Zoning District Criteria and Regulations of this zoning~~

St. Charles Parish Zoning Ordinance –
Section VI. Zoning District Criteria and Regulations

~~ordinance. No variances are permitted to these location requirements as that could constitute a spot zone.~~

~~1. Each lot shall contain no more than one (1) manufactured housing unit, unless otherwise permitted by the district regulations, and shall meet the minimum requirements of the underlying zoning district to which a conventional single family residential dwelling on the same lot would be subjected.~~

2. Recreational vehicles (RVs), travel trailers, modular homes, and “pre-HUD” mobile homes are not considered “manufactured homes”

3. No manufactured housing unit shall be occupied for dwelling purposes unless it is placed on a lot of record and connected to water, sanitary sewer, electrical and other facilities as may be necessary, prior to Building Official inspection and approval.

4. A manufactured home shall be used only as a single-family dwelling.

5. All regulations described by the state department of health and hospitals relating to the placement of a single manufactured home unit on a parcel of land shall be complied with.

~~6. The manufactured home shall be not less than one thousand (1,000) square feet.~~

7. The manufactured home shall be placed on an excavated and backfilled permanent foundation and enclosed with skirting at the perimeter to meet the following

St. Charles Parish Zoning Ordinance –
Section VI. Zoning District Criteria and Regulations

requirements:

a. Individual manufactured housing units shall be skirted around the perimeter of the unit to conceal the underbody from view in a manner compatible with the appearance and construction of the manufactured housing unit.

b. The entire under-floor of the mobile home shall be completely enclosed by skirting or foundation plantings: the Director shall approve planting materials.

c. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained.

d. All skirting shall be installed before the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days.

e. ~~The hitch tongue shall be removed.~~

8. ELEVATION – The lowest floor of a mobile home must be at least thirty-six (36) inches above grade, unless FEMA Base Flood Elevation Requirements dictate a higher elevation. New mobile homes over 67” and used mobile homes over 52” higher than natural ground grade require engineered foundation.

9. ~~The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width.~~

10. ANCHORING (TIE DOWN) – Tie down or anchoring systems are designed to resist

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the lateral and uplift forces resulting from high winds. All ties must be made of rust resistant steel cable or straps, which fasten the mobile home to anchors embedded in the ground. If the mobile home is designed for over-the-top ties, they can be used in conjunction with frame ties, but cannot replace the amount of frame ties required below:

- a. Manufactured Homes over 50 ft. long: Requires seven (7) frame ties connected to the ground anchors on each side;
- b. 50 ft. and Under: Requires six (6) frame ties connected to the ground anchors on each side

~~11. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Director;~~

12. Any manufactured housing placed upon a residential lot shall be of a manufacturing origin dated not earlier than 1994 and not having had prior occupancy.

13. Parking Spaces- Two (2) hard surfaced parking spaces ~~8 ½' x 19'~~ required per mobile home per dwelling unit on a lot plus 1 space per each 3 lots in a manufactured housing park.

14. Municipal Address Number: Must be permanently posted on front of the structure

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109 with 4" numbers.

110

111

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Model Definitions (from LA Manufactured Housing Association):

Prefabricated Housing – Any housing with structural or mechanical components manufactured and assembled away from the construction site. For purposes of this definition, the following terms shall have the following meanings:

Manufactured Housing - Dwelling units constructed primarily at a plant or facility on a production line basis and delivered to the site as an assembled unit or in modular form. Manufactured housing specifically refers to housing built under the Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD).

Mobile Home - Prefabricated trailer-type housing units, built before June 15, 1976 that are semi-permanently attached to land, either the owner's fee land or leasehold, such as in a mobile-home park. A mobile home is a moveable or portable structure designed and constructed on its own chassis and intended for connection to utilities for year-round occupancy as a dwelling. Any dwelling unit that qualifies as a modular home according to the definition herein is not considered a mobile home. Furthermore, a travel trailer is not considered a mobile home.

Manufactured Home Community – A unified development of two (2) or more manufactured home sites, plots or stands, arranged on a large tract usually under single ownership, meeting the area and yard requirements of this article, and designed to accommodate manufactured homes for a more or less permanent

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duration. Such term may include travel trailer accommodations, provided that no more than twenty-five percent (25%) of the park is used for such purpose.

Modular Home - Modular homes are houses divided into multiple modules or sections, which are manufactured in a remote facility and delivered to their intended site of use. The modules are then assembled on a permanent foundation without a permanent chassis, into a single residential building. Unlike other prefabricated construction, modular homes conform to all state, local and regional codes (International Building Code standards) where the structure is to be located.

Travel Trailer – A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be hauled along a highway. Sometimes called a *Recreational Vehicle* (RV).

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Section VII. Supplemental Use and Performance Regulations to be inserted in its entirety into the previously reserved Section VII. Existing regulations or guidelines present in the definitions section or elsewhere in the Zoning Ordinance were moved to this new “Supplemental Regulations” section and revised accordingly. The core of the definition remains in the definition section—only regulations within the definition were moved. The existing regulations are shown in ~~strike through font~~. New regulations or guidelines are displayed in **bold font**.

Draft 05.26.2015 As part of adding Section VII Supplemental Use and Performance Regulations, the following additions to Section VI are required:

Section VI Zoning district criteria and regulations.

A. Open Land District: The regulations in the Open Land District are as follows:

[I.] *O-L. Open Land District:*

1. Use Regulations

C. Special permit uses and structures include the following:

**11. Accessory Dwelling Units upon approval by the Planning Commission
and supporting resolution of the Council.**

B. Residential districts—The regulations in the Residential Districts are as follows:

[I.] *R-1A. Single family residential detached conventional homes*—Medium density.

1. Use Regulations

C. Special permit uses and structures include the following:

**8. Accessory Dwelling Units upon approval by the Planning Commission
and supporting resolution of the Council.**

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[II.] *R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes*—Medium density.

1. Use Regulations

C. Special permit uses and structures include the following:

6. Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

[III.] *R-1B. Single family residential detached conventional homes*—Light to medium density.

1. Use Regulations

C. Special permit uses and structures include the following:

9. Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

Section VII Supplemental Use and Performance Regulations.

1. The following uses are subject to the regulations set forth herein:

Accessory Buildings

- a. Residential accessory buildings are allowed only in the side and rear yards.
- b. An accessory building may be connected to the principal building via an unenclosed breezeway not exceeding eight (8) feet in width.
- c. Accessory buildings must be three (3) feet from the principal building, measured from any existing overhangs (not including breezeways).
- d. The following shall not be permitted as accessory buildings in residential zones: storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis for movement.

Accessory Dwelling Units

a. Purpose – to offer a wider range of housing options within residential zoning districts.

b. Design and Development Standards for all Accessory Dwelling Units (ADU).

- i. There shall be no more than one ADU permitted per lot.**
- ii. No ADU will be permitted without a primary building.**
- iii. An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.**
- iv. There shall not be more than one bedroom in an ADU.**
- v. An ADU shall use the electrical service of the primary structure.**
- vi. The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.**
- vii. Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.**
- viii. Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.**
- ix. The floor area of the ADU is limited to fifty percent of the floor area of the primary dwelling unit, not to exceed 1,200 square feet.**
- x. ADUs require one off-street parking space in addition to the parking requirements of the underlying zoning district.**

Bars, Dancehalls, Nightclubs, Taverns

a. A Class A liquor license is required through the St. Charles Parish Sheriff's Office.

Churches/Religious Institution

- 77 ***a. Cemeteries are a permitted accessory use.***

78 ***Group / Community Homes***

- 79 **a. No community / group, as defined, home shall be within 1,000 feet of**
80 **another community home.**
- 81 **b. Nothing in this section shall be construed to prevent a reasonable**
82 **accommodation for persons with disabilities as defined in the federal Fair**
83 **Housing Act in accordance with federal, state and parish procedures.**

84 ***Junkyards***

- 85 **a. Junkyards shall be required to be screened by a minimum of seven-foot**
86 **high opaque wood or masonry fence. No person shall operate or cause to**
87 **operate any junkyard in the parish without first obtaining a license as**
88 **required by Chapter 13, Article VI, of this Code.**

89 ***Manufactured Housing***

90 **RESERVED**

91 ***Restaurants***

- 92 **a. A restaurant may serve alcoholic beverages, but must gross at least sixty**
93 **(60) percent of its average monthly revenue (annually) from the sale of**
94 **food, food items, and non-alcoholic beverages.**
- 95 **b. A restaurant shall maintain separate sales records for alcoholic beverages.**
- 96 **c. Restaurants shall be authorized to sell alcoholic beverages through**
97 **issuance of a Class A— Restaurant retail liquor license by the St. Charles**
98 **Parish Sheriff's Office.**
- 99 **d. Restaurants which fail to meet the food sales requirements contained in**
100 **this subsection, and which sell alcoholic beverages for on-premises**
101 **consumption, shall be categorized as a barroom, lounge, night club, or**
102 **dancehall (See "Barroom"). (Ord. No. 94-11-2, § IV, 11-7-94)**

- e. If a restaurant contains a brewing facility on-site, a floor plan indicating the area reserved for brewing and a description of the facility and capacity.
- f. Outdoor Dining: Outdoor dining is permitted as accessory to a restaurant and a retail goods establishment that sells food products, such as a delicatessen, bakery, or grocery, but shall comply with the following standards:
 - xi. Outdoor dining shall not interfere with pedestrian access or parking areas.
 - xii. Outdoor dining is permitted in a required yard, with the exception of any yard that abuts a residential district.
 - xiii. Outdoor dining areas shall not be located within a public right-of-way.
 - xiv. A distinct delineation shall be maintained between any public right-of-way and the outdoor dining area through the use of hardscape and architectural elements, such as a masonry wall, fence, planters, or bollards.
 - xv. On-site outdoor dining areas are included in calculation of parking requirements, where applicable.

Townhouses

- a. The maximum density for townhouse developments is twelve (12) units per acre.
- b. In townhouse developments, structures shall front on a public street and be generally compatible with existing developments in the neighborhood.
- c. *Design Criteria*

i. No more than six (6) dwelling units shall be included in any one townhouse building.

ii. The facades of dwelling units in a townhouse shall be varied by changed front yards of not less than three (3) feet and variation in materials or design so that no more than two (2) abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines.

iii. Frontage, measured at the building line, for individual units of a town house may not be less than fifteen (15) feet.

d. *Drives, Parking and Utilities*

i. Where allies are provided, off-street parking facilities shall be grouped in bays, either in the rear of the structure or in the interior of blocks.

ii. All parking areas shall meet the standards and minimum requirements set forth in Section VIII, Site Design Requirements, of this Ordinance, and must include one (1) visitor parking space per each two (2) dwelling units. Visitor spaces may be provided in separate areas when an adequate area is not provided on an individual lot.

iii. Servitudes shall be provided at the front or rear of the lots within the required front or rear yard for off-street parking and utilities. Entrances to front yard parking areas shall be at least fifty (50) feet apart, unless an individual space is provided for each lot.

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150 **iv. Zoning Regulator Administrator may require a six (6) foot**
151 **landscape buffer, at maturity, along the sides and rear of any**
152 **Townhouse development that abuts an R-1A, R-1B, or R-1A(M)**
153 **district or any lot containing a single-family dwelling.**
154

St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

Section VIII. Parking, loading and landscape requirements was replaced in whole and is now titled Section VIII. Site Design Requirements. Existing code language is displayed as ~~strike through font~~ and the updated language is displayed in **bold font**.

DRAFT 05.26.2015 SUMMARY OF UPDATES: General criteria for off-street parking was simplified and made more clear. Criteria was established for commercial/industrial parking standards. Handicap parking standards were revised to reflect ADA recommendations. Landscape requirements were revised to improve site design, flood mitigation, and environmental benefits. This formatting of this section was revised to improve communication and comprehension by the public.

~~Section VIII. Parking, loading and landscape requirements.~~

~~A. Policy Statement: The regulations of this section are designed to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking, loading and visibility in accordance with the use of the premises.~~

~~B. Design Standards:~~

~~(1) All parking facilities shall meet the following criteria:~~

~~a. General Criteria:~~

~~1. Any area where off-street parking is provided (including additional parking areas that are not required by this ordinance) must be surfaced with permanent dustfree paving except for single-family residences in the O-L District which must be surfaced with appropriate materials.~~

~~2. No parking spaces will be permitted on corner lots within thirty (30) feet of the intersection with said thirty (30) feet to be measured from the property corner along the front and side property lines.~~

~~3. At intersections of driveways and alleys with streets, no fence, hedge, wall, sign or other structure shall be erected, placed or allowed to grow in such a manner as to impede vision between a height of two and one-half (2½) feet and ten (10) feet above the established driveway or alley grade level, in the area illustrated in appendix B [of this section; not printed herein].~~

~~4. No parking spaces may be permitted closer to the roadway edge or curb than ten (10) feet.~~

~~5. Where parking is perpendicular to a public sidewalk or property line, barrier curbing shall be installed two and one-half (2½) feet from the sidewalk or property line. The lot shall be secured as to prevent vehicular access to the street other than at the approved access drives. (Does not apply to single-family or two-family residences).~~

~~6. On lots having a frontage of fifty (50) feet or less, only one (1) combined entrance and exit shall be permitted. On lots having a frontage in excess of fifty (50) feet but less than two hundred (200) feet, there shall be no more than two (2) combined entrance-exits. On property having frontage in excess of two hundred (200) feet, additional drives may be permitted but only when traffic generated by the use warrants the additional drives.~~

~~7. All access to any commercial zoned property through any residential zoning district shall require approval of a special permit use by the planning and zoning commission and the parish council. (Ord. No. 03-10-10, § I, 10-20-03)~~

~~b. Minimum Area: For the purpose of these regulations:~~

St. Charles Parish Zoning Ordinance – Section VIII. Site Design Requirements

~~1. An unenclosed off-street parking space is a paved area of not less than eight (8) feet, six (6) inches in width and nineteen (19) feet in length.~~

~~2. An enclosed area shall be not less than ten (10) feet in width and twenty (20) feet in length.~~

~~3. A handicapped parking space is an area not less than twelve (12) feet in width and twenty (20) feet in length. The following chart will apply:~~

Number of Required Parking Spaces	Number of Handicapped Spaces Required
1 to 14	To be determined by the Planning Director
15 to 25	4
26 to 100	4
101 to 200	6
201 to 300	7
301 and above, for each 100 parking spaces or a fraction thereof	2

~~-~~

~~Handicapped parking spaces shall be located as close as possible to elevators, ramps, walkways and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.~~

~~4. Area computations are exclusive of driveways in each case.~~

~~5. Each parking space shall open directly upon an aisle or driveway which is connected to a street or alley by a paved driveway which affords ingress and egress for a vehicle without requiring another vehicle to be moved.~~

~~6. Stacked parking may be allowed for residential structures.~~

~~c. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Parking facilities shall be surfaced with material in accordance with design specifications outlined in appendix B [of this section; not printed herein]. Off-street parking areas shall be maintained in a clean, orderly and dustfree condition at the expense of the owner or lessee and shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.~~

~~d. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.~~

~~e. The Zoning and Regulatory Administrator shall adopt plans and outline specifications clearly indicating the acceptable design and minimum construction standards for surface off-street parking facilities. These standards shall be incorporated as appendix B to these regulations [this section; not printed herein].~~

~~(2) All off-street loading and/or unloading areas must meet the following criteria:~~

~~a. Every hospital, institution, hotel, commercial or industrial building or use having a gross floor area in excess of seventy-five hundred (7,500) square feet and requiring the receipt of materials and merchandise shall have at least one (1) permanently maintained off-street loading space for each seventy-five hundred (7,500) square feet of gross floor area or fraction thereof and so located as not to hinder the free movement of pedestrians~~

~~and vehicles over a sidewalk, street or alley. In no case shall any required loading space be part of an area used to satisfy the off-street car parking requirements of this Ordinance.~~

~~b.—— Retail, wholesale and industrial operations with a gross floor area of less than seventy-five hundred (7,500) square feet shall provide sufficient off-street loading space (not necessarily a full berth if facility is shared by an adjacent establishment) so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.~~

~~c.—— Off-street loading and unloading spaces as described above shall be provided for all new uses hereafter established, including the enlargement or increase of building capacity by adding floor area.~~

~~C.—— Off-Street Car Parking:~~

~~(1)—— General Requirements:~~

~~a.—— The location of off-street parking shall be not more than three hundred (300) feet distant from the main building or use. The zoning classification of such land must be the same or more restrictive than the classification of the lot upon which the main building is located.~~

~~b.—— Area reserved for off-street parking or loading in accordance with the provisions of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified except where equivalent off-street parking or loading space is provided.~~

~~c.—— Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this article for an increase in parking spaces which exist at the~~

~~time of the change or enlargements, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten (10) percent of those required before the change or enlargement. This exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten (10) percent or more.~~

~~d. — Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.~~

~~e. — The parking requirements in this article do not limit other parking requirements contained in the district regulations.~~

~~f. — In the case of mixed uses, uses with different parking requirements occupying the same building, or in the case of joint use of a building by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.~~

~~g. — In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Adjustments may grant an exception to allow the designed parking area to serve multiple uses.~~

~~(2) — Specific Requirements:~~

~~**Floor area** means the square feet of floor space on all floors of a building within the exterior walls. It does not include porches, garages, basements or cellar space, stair wells, elevator shafts or mechanical equipment rooms, inner courts, corridors and malls from which goods or services are not offered or sold.~~

128 ~~***Rated capacity* means the maximum number of occupants, as determined by the**~~
 129 ~~**Louisiana State Fire Marshal's Office.**~~

130 ~~**Unless otherwise provided in this Ordinance, off-street automobile parking space or area**~~
 131 ~~**shall be provided on any lot on which any of the following listed uses are hereafter**~~
 132 ~~**established and in accordance with the schedule shown below. For uses not specified or**~~
 133 ~~**for which requirements are unclear, the number of spaces shall be determined by the**~~
 134 ~~**Zoning and Regulatory Administrator on the basis of similar or mixed uses, number of**~~
 135 ~~**persons served or employed, and the capability of adequately serving the visiting public.**~~
 136 ~~**Appeals to the Zoning and Regulatory Administrator's decision may be brought before**~~
 137 ~~**the Board of Zoning Adjustment for resolution.**~~

Use	Parking Spaces Required
Single-family and two-family dwellings	2 spaces per dwelling
Townhouses in the R-1T District	2 spaces on the lot for each dwelling and an additional space for each 2 units for visitors and overflow
Multifamily dwellings	2½ spaces per each dwelling unit
Apartment hotels	1 space per dwelling unit
Manufactured home/RV park	1 space per dwelling unit on lot plus 1 space per each 3 lots
Hotel, motel	1 space per each dwelling, efficiency, or rooming unit
Religious institution	1 space for each 6 seats of rated capacity
Rectories, parsonages and parish houses	2 spaces for each resident
Convents, seminaries, monasteries	1 space for each 2 residents

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Schools, public and private:	
Elementary	2 spaces per classroom, laboratory, or manual training shop
Junior high	4 spaces per classroom, laboratory, or manual training shop
Senior high	6 spaces per classroom, laboratory, or manual training shop
Colleges, universities, trade, industrial, and business schools	11 spaces per classroom, laboratory, or manual training shop
Schools, dancing and music	1 space per 200 square feet
Dormitories, fraternities and sororities	1 space for each 5 persons of the rated capacity
Private clubs, country clubs and lodges	1 space for each 4 persons of the rated capacity
Public library, museum or art gallery	1 space per 400 square feet of floor area, plus 1 per 2 employees
Hospital	1 space for each 2 beds, plus 1 space for each staff doctor, plus 1 space for each 2 employees, including nurses
Medical and dental clinics	1 space for each 200 square feet of floor area
Funeral home	1 space per 4 seats of the rated capacity
Mausoleum	Parking area equal to the ground floor area
Restaurant	1 space per 150 square feet
Retail store	1 space per 250 square feet of floor area
Personal service establishment	1 space per 250 square feet of floor area
Banks	1 space per 250 square feet of floor area
Animal hospital, and kennel	1 space per 250 square feet of floor area
Bus, railroad station or airport terminal building	1 space per 100 square feet of waiting room

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Auditorium, theater, gymnasium, stadium, arena, convention hall or other place of assembly	1 space per 4 persons of rated capacity
Bowling alley	5 per alley
Dance hall, bar, lounge	1 space per 100 square feet of floor area
Amusement place, skating rink and swimming pool	1 space per 8 persons of rated capacity
General service or repair establishment	1 space per 2 employees on maximum work shift, plus 1 for each company or business vehicle maintained on the premises
Manufacturing or industrial establishment	1 space per 2 employees on maximum work shift, plus 1 for each company or business vehicle maintained on the premises
Automobile service station	4 spaces, plus 1 space per service bay
Automobile repair shop	1 space per each 200 square feet of floor space
Homes for the aged, nursing homes, convalescent homes, orphan's homes and sanitariums	1 space for each 6 beds of rated capacity, plus 1 space for every 2 employees, and 1 space for each staff member
Beauty shop, and barbershop	1½ spaces per chair, plus 1 space for each employee
Used automobile, manufactured home, boat, RV and similar merchandise sales	5 spaces plus 1 space per employee
New automobile sales	1 space per 250 square feet of office and enclosed sales area
Warehouse	1 per employee on maximum work shift
Auto car wash	1 space per employee
Coin-operated laundromats	1 space per each 2 machines
Office or office building	1 space per 200 square feet of floor area
Fire stations	1 space per 300 square feet, plus one per fire

	truck parking bay
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138 -

139 ~~D. Landscape and Open Space Requirements.~~

140 ~~(1) General Requirements for Commercial Development:~~

141 ~~a. A minimum of fifteen (15) percent of the site, unoccupied by a structure, shall be~~
142 ~~designated for landscaping and open space.~~

143 ~~b. A minimum of sixty-six (66) percent of this required open space shall be~~
144 ~~landscaped, maintained and located in the front yard and required parking areas around~~
145 ~~the structure(s).~~

146 ~~c. Before any Commercial Building Permit can be issued, these areas shall be~~
147 ~~designed and submitted to the Department of Planning and Zoning for review and~~
148 ~~approval.~~

149 ~~d. Before any Final Certificate of Zoning Compliance can be issued on a commercial~~
150 ~~structure, the required and approved landscaping shall be installed and inspected for~~
151 ~~compliance with this ordinance.~~

152 ~~e. Additional landscaping and/or buffering requirements specified in other sections~~
153 ~~of this ordinance shall not serve to satisfy the landscape requirements of this section~~
154 ~~except in cases where the location of the required landscaping and/or buffering satisfies~~
155 ~~both requirements.~~

156 ~~f. The landscape requirements of this section shall not serve to satisfy additional~~
157 ~~landscaping and/or buffering requirements specified in other sections of this ordinance~~
158 ~~except in cases where the location of the required landscaping and/or buffering satisfies~~
159 ~~both requirements.~~

~~(Ord. No. 83-8-10, § II, 8-15-83; Ord. No. 86-11-6, 11-17-86; Ord. No. 87-2-6, 2-2-87; Ord. No. 01-5-7, § I, 5-7-01; Ord. No. 01-5-20, §§ I—III, 5-21-01)~~

~~EXHIBIT A TO SECTION VIII~~

~~PARKING AND LOADING DESIGN REQUIREMENTS~~

~~Note—Exhibit A to Section VIII was formerly named Appendix B to Section VIII. Hence, the following illustrations are labelled B-1, B-2, etc.~~

Section VIII. Site Design Requirements

A. Purpose: The regulations of this section are intended to ensure the safe, orderly, and convenient development of the built environment.

B. Off-street parking in general:

1. Off-street vehicle parking spaces shall be provided on the same lot upon which a principal use is permitted.
2. Any area where off-street parking is provided (including additional parking areas that are not required by this ordinance) must be surfaced with permanent dust-free paving except for single-family residences in the O-L District which must be surfaced with appropriate materials.
3. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.
4. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee.
5. Minimum Area:

- a. **An unenclosed off-street parking space is a paved area of not less than eight (8) feet, six (6) inches in width and nineteen (19) feet in length.**
 - b. **An enclosed parking area shall be not less than ten (10) feet in width and twenty (20) feet in length.**
 - c. **Handicapped Parking shall be an area not less than twelve (12) feet in width and twenty (20) feet in length.**
- 6. Stacked parking may be allowed for residential uses.**
- 7. No parking spaces will be permitted on corner lots within thirty (30) feet of the intersection with said thirty (30) feet to be measured from the property corner along the front and side property lines.**
- 8. No parking spaces will be permitted closer to the roadway edge or curb than ten (10) feet.**
- 9. At intersections of driveways and alleys with streets, no fence, hedge, wall, sign or other structure shall be erected, placed or allowed to grow in such a manner as to impede vision between a height of two and one-half (2½) feet and ten (10) feet above the established driveway or alley grade level.**
- 10. On lots having a frontage of fifty (50) feet or less, only one (1) combined entrance and exit shall be permitted. On lots having a frontage in excess of fifty (50) feet but less than two hundred (200) feet, there shall be no more than two (2) combined entrance-exits. On property having frontage in excess of two hundred (200) feet, additional drives may be permitted but only when traffic generated by the use warrants the additional drives.**
- 11. Where fractional parking stalls result, the parking spaces required shall be construed to be the next highest whole number.**

C. Commercial/Industrial Parking Standards

1. **Off-street vehicle parking spaces shall be provided on the same lot upon which a principal use is permitted according to Table 8-1 and 8-2.**
2. **The Zoning and Regulatory Administrator shall adopt plans and outline specifications clearly indicating the acceptable design and minimum construction standards for off-street parking facilities. These standards shall be incorporated according to Figures 8-1, 8-2, and 8-3.**
3. **The parking area shall be secured as to prevent vehicular access to the street other than at the approved access drives.**
4. **Each parking space shall open directly upon an aisle or driveway which is connected to a street or alley by a paved driveway which affords ingress and egress for a vehicle without requiring another vehicle to be moved.**
5. **Parking spaces must be striped with four inch contrasting stripe: yellow on concrete; yellow or white on asphalt; or ADA compliant.**
6. **Where parking is perpendicular to a public sidewalk or property line, barrier curbing shall be installed two and one-half (2½) feet from the sidewalk or property line (see Figure 8-3)**
7. **Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee.**
8. **Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.**
9. **Handicapped parking spaces shall be located as close as possible to elevators, ramps, walkways and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.**

234 **10. In the case of mixed uses, uses with different parking requirements occupying the**
235 **same building, or in the case of joint use of a building by more than one (1) use**
236 **having the same parking requirements, the parking spaces required shall equal**
237 **the sum of the requirements of the various uses computed separately.**

238 **11. In the instance of dual function of off-street parking spaces where operating hours**
239 **of buildings do not overlap, the Planning and Zoning Director may grant an**
240 **exception to allow the designed parking area to serve multiple uses.**

241 **12. Off-street parking areas shall not be used for the sale, repair, dismantling or**
242 **servicing of any vehicles, equipment, materials or supplies.**

243 **13. Off-street parking shall be developed in accordance with the provisions of this**
244 **section, and required parking shall not be reduced or changed unless specifically**
245 **permitted.**

246 **14. Whenever a building or use is changed or enlarged in floor area, number of**
247 **employees, number of dwelling units, seating capacity or otherwise, to create a**
248 **need under the requirements of this article for an increase in parking spaces**
249 **which exist at the time of the change or enlargements, such additional spaces**
250 **shall be provided on the basis of the change or enlargement. No additional spaces**
251 **shall be required for the first change or enlargement which would result in an**
252 **increase of spaces of less than ten (10) percent of those required before the**
253 **change or enlargement. This provision shall not apply to a series of changes or**
254 **enlargements which together result in a need for an increase in parking space of**
255 **ten (10) percent or more.**

256 **15. All access to any commercial zoned property through any residential zoning**
257 **district shall require approval of a special permit use by the planning and zoning**
258 **commission and the parish council. (Ord. No. 03-10-10, § I, 10-20-03).**

TABLE 8-1: OFF-STREET PARKING REQUIRED PER USE	
<u>Use</u>	<u>Parking Spaces Required</u>
Single-family and two-family dwellings	2 spaces per dwelling
Multifamily dwellings	2½ spaces per each dwelling unit
Manufactured home/RV park	2 spaces per dwelling unit on lot plus 1 space per each 3 lots
Hotel, motel	1 space per each dwelling, efficiency, or rooming unit
Religious institution	1 space for each 6 seats of rated capacity
Rectories, parsonages and parish houses	2 spaces for each resident
Convents, seminaries, monasteries	1 space for each 2 residents
<u>Schools, public and private:</u>	
Elementary	2 spaces per classroom, laboratory, or manual training shop
Junior high	4 spaces per classroom, laboratory, or manual training shop
Senior high	6 spaces per classroom, laboratory, or manual training shop
Colleges, universities, trade, industrial, and business schools	11 spaces per classroom, laboratory, or manual training shop
Schools, dancing and music	1 space per 200 square feet
Dormitories, fraternities and sororities	1 space for each 5 persons of the rated capacity
Private clubs, country clubs and lodges	1 space for each 4 persons of the rated capacity
Public library, museum or art gallery	1 space per 400 square feet of floor area, plus 1

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	per 2 employees
Hospital	1 space for each 2 beds, plus 1 space for each staff doctor, plus 1 space for each 2 employees, including nurses
Medical and dental clinics	1 space for each 200 square feet of floor area
Funeral home	1 space per 4 seats of the rated capacity
Mausoleum	Parking area equal to the ground floor area
Restaurant	1 space per 150 square feet
Retail store	1 space per 250 square feet of floor area
Personal service establishment	1 space per 250 square feet of floor area
Banks	1 space per 250 square feet of floor area
Animal hospital, and kennel	1 space per 250 square feet of floor area
Bus, railroad station or airport terminal building	1 space per 100 square feet of waiting room
Auditorium, theater, gymnasium, stadium, arena, convention hall or other place of assembly	1 space per 4 persons of rated capacity
Bowling alley	5 per alley
Dance hall, bar, lounge	1 space per 100 square feet of floor area
Amusement place, skating rink and swimming pool	1 space per 8 persons of rated capacity
General service or repair establishment	1 space per 2 employees on maximum work shift, plus 1 for each company or business vehicle maintained on the premises
Manufacturing or industrial establishment	1 space per 2 employees on maximum work shift, plus 1 for each company or business vehicle maintained on the premises
Automobile service station	4 spaces, plus 1 space per service bay

Automobile repair shop	1 space per each 200 square feet of floor space
Homes for the aged, nursing homes, convalescent homes, orphan's homes and sanitariums	1 space for each 6 beds of rated capacity, plus 1 space for every 2 employees, and 1 space for each staff member
Beauty shop, and barbershop	1½ spaces per chair, plus 1 space for each employee
Used automobile, manufactured home, boat, RV and similar merchandise sales	5 spaces plus 1 space per employee
New automobile sales	1 space per 250 square feet of office and enclosed sales area
Warehouse	1 per employee on maximum work shift
Auto car wash	1 space per employee
Coin-operated laundromats	1 space per each 2 machines
Office or office building	1 space per 200 square feet of floor area
Fire stations	1 space per 300 square feet, plus one per fire truck parking bay
<p>Refer to Section III for definitions of floor area and rated capacity.</p> <p>For uses not specified or for which requirements are unclear, the number of spaces shall be determined by the Zoning and Regulatory Administrator on the basis of similar or mixed uses, number of persons served or employed, and the capability of adequately serving the visiting public.</p>	

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TABLE 8-2: HANDICAP PARKING REQUIREMENTS	
Number of Required Parking Spaces	Minimum Number of Handicapped Spaces Required
1 to 25	1
26 to 50	2

51 to 75	3
76 to 100	4
101 and above	ADA Standard 4.1.2 (5)

D. Off-Street Loading Facilities

- 1. Whenever a non-residential building is erected, altered, enlarged, converted or otherwise increased in size or capacity, the off-street loading facilities herein required shall be provided for uses that distribute or receive materials or merchandise by trucks or other commercial vehicles in accordance with Table 8.3.**
- 2. In the case of multi-tenant developments, required loading spaces are calculated on the basis of each individual tenant. For example, if only one (1) commercial tenant of a multi-tenant development is over five thousand (5,000) square feet only one (1) loading space is required; if all tenants are less than five thousand (5,000) square feet, no loading is required.**
- 3. *Computation of Off-Street Loading Requirements* - The off-street loading requirements for each use permitted by this Ordinance are established in Table 8-3. For uses not mentioned in this Section, the Zoning Regulator Administrator shall determine the requirements for off-street loading facilities. The determination shall be based upon the most comparable use listed, AASHTO or ITE standards, and/or the specific needs of the development as determined by the Parish.**
- 4. *Combined Off-Street Loading Facilities* - Required off-street loading facilities for two (2) or more structures may be satisfied by common loading facilities at the discretion of the Zoning Regulator Administrator. Approval of common**

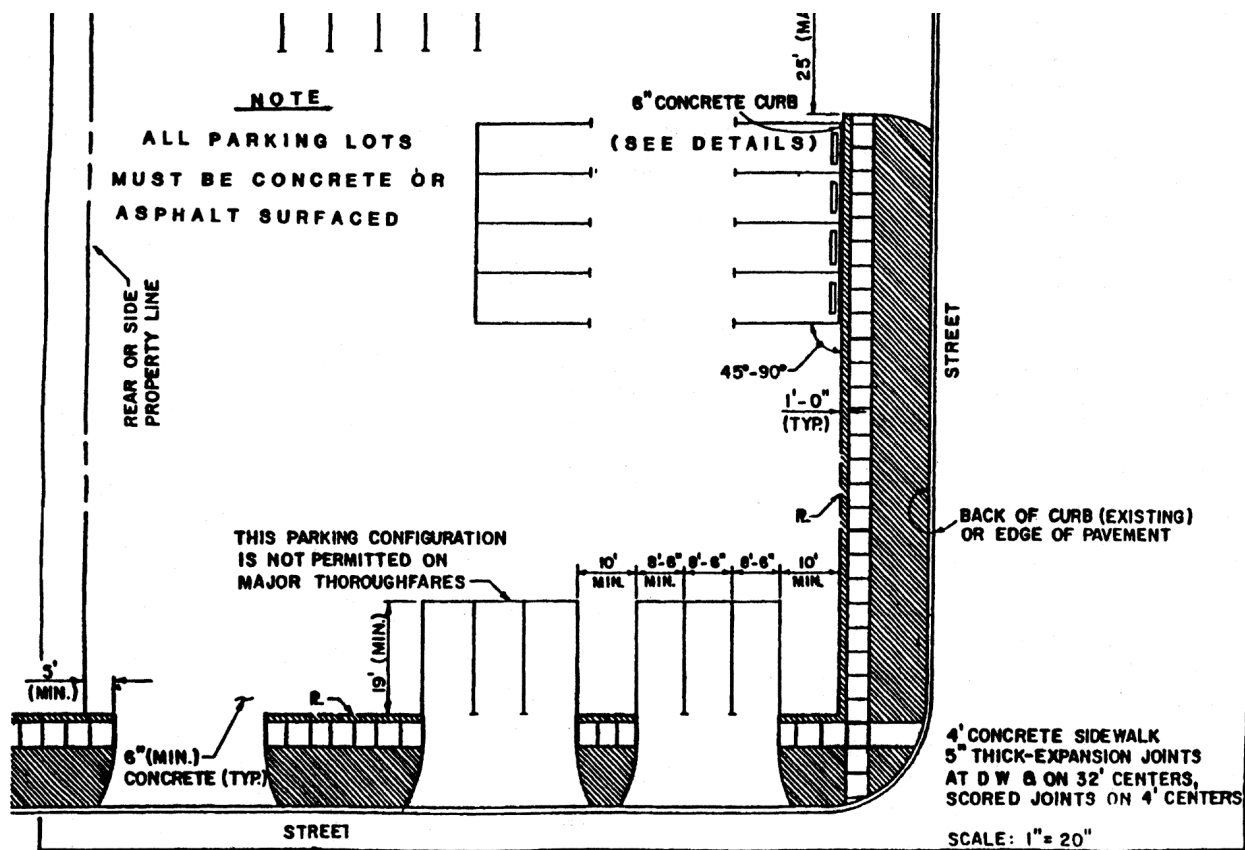
loading facilities shall not reduce the number of required spaces below 50% of the calculated required total.

5. *Off-Street Loading DIMENSIONS* - A loading space shall have minimum dimensions of 12 feet in width, 50 feet in length and shall not be located within driveways and other circulation areas, and a clearance height of not less than 15 feet.

TABLE 8-3: OFF-STREET LOADING REQUIREMENTS

USE TYPE	NUMBER OF SPACES REQUIRED
MULTI-FAMILY	
20,000 – 100,000 sf GFA	1 loading space
100,001 – 200,000 sf GFA	2 loading spaces
Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 200,000 sf)	1 additional loading space
COMMERCIAL AND INSTITUTIONAL USE	
1,000 – 35,000 sf GFA	1 loading space
35,001 – 100,000 sf GFA	2 loading spaces
Each additional 50,000 sf GFA (this applies only for each additional full 50,000 sf over 100,000 sf)	1 additional loading space
INDUSTRIAL USES	
1,000 – 35,000 sf GFA	1 loading space
35,001 – 100,000 sf GFA	2 loading spaces
Each additional 100,000 sf GFA (this applies only for each additional full 100,000 sf over 100,000 sf)	1 additional loading space

293 **FIGURE 8-1: OFF-STREET PARKING DESIGN STANDARD**



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FIGURE 8-2: PARKING DESIGN DETAILS—SPATIAL STANDARDS

TYPICAL SPACE REQUIREMENTS FOR SELF-PARKING AT VARIOUS PARKING ANGLES

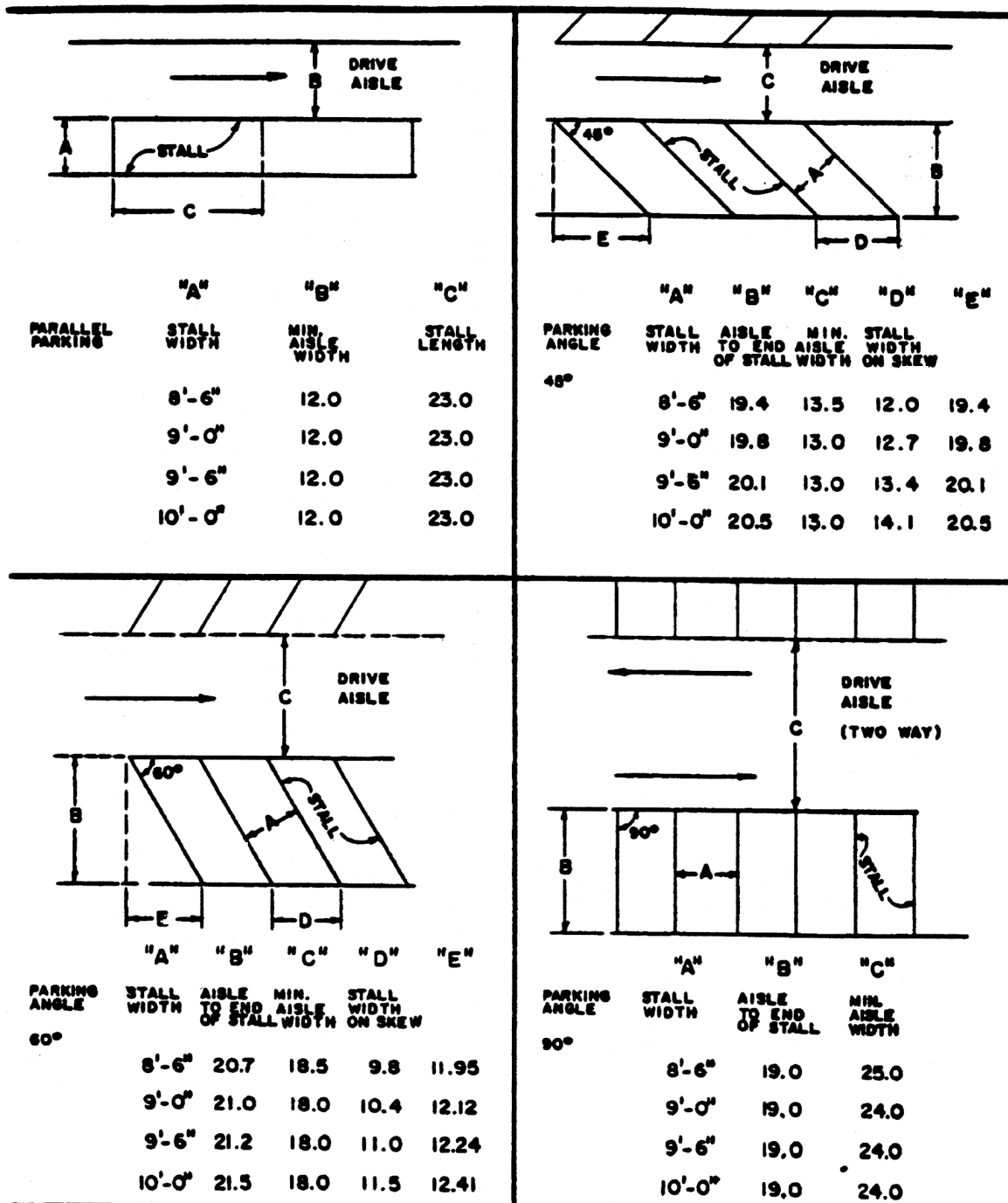
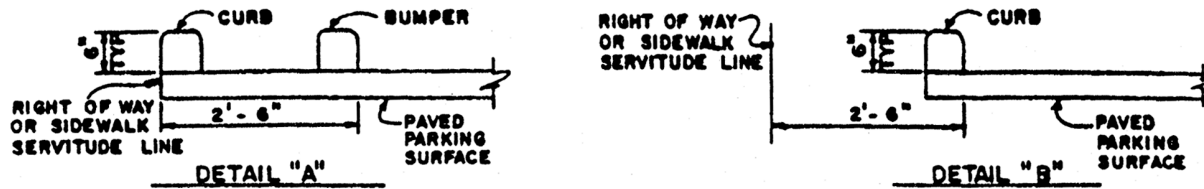


FIGURE 8-3: PARKING DESIGN DETAILS—CURBING AND WHEEL STOPS

WHEN THE END OF STALL ABUTS THE RIGHT OF WAY LINE OR SIDEWALK SERVITUDE LINE USE DETAIL "A" OR "B."



PARKING STALLS MUST BE STRIPED WITH A FOUR (4) INCH CONTRASTING STRIPE (YELLOW ON CONCRETE AND YELLOW OR WHITE ON ASPHALT PARKING LOT).

E. Landscaping Requirements.

1. **Purpose.** The purpose of these provisions is to prescribe standards for landscaping and screening within St. Charles Parish. Besides enhancing the visual and aesthetic appearance of St. Charles Parish, these regulations will help improve drainage and flood mitigation, assist in compliance with Municipal Separate Storm Sewer System (MS4) requirements of the U.S Environmental Protection Agency, and provide other environmental benefits.
2. **Applicability.** Developers or landowners are responsible for providing and maintaining the landscaping herein required. These standards shall apply to all multi-family developments of three or more units, commercial development, and industrial development.
3. **General Requirements:**
 - a. A landscape plan prepared by a Louisiana licensed landscape architect, as part of the required site plan, shall be submitted to the Department of Planning and Zoning for review and approval.

b. Before any Final Certificate of Occupancy can be issued, the required and approved landscaping shall be installed and inspected for compliance with this ordinance.

c. Additional landscaping and/or buffering requirements specified in other sections of this ordinance shall not serve to satisfy the landscape requirements of this section except in cases where the location of the required landscaping and/or buffering satisfies both requirements.

d. The landscape requirements of this section may not serve to satisfy additional landscaping and/or buffering requirements specified in other sections of this ordinance except in cases where the location of the required landscaping and/or buffering satisfies both requirements.

4. Required Plantings.

a. A minimum of ten (10) percent of the site shall be designated for designed landscaping.

b. A minimum five foot wide planting area shall be established between the public rights-of-way and parking areas or structures. This planting area may count towards the overall landscaping and open space requirements.

c. Planting materials should achieve a balance between low-lying vertical and horizontal shrubbery and trees.

d. One tree planting for every five thousand (5,000) square feet of site area is required.

e. One third (1/3) of the required tree plantings must be Class A Trees and the remaining two thirds (2/3) of the required tree plantings may be Class B Trees. A list of suggested Class “A” and Class “B” trees can be found at the end of this section.

- 345 **f. Parking lot interiors shall be designed to provide at least one tree for every**

346 **twelve (12) parking spaces. Trees can be either Class “A” or Class “B”**

347 **trees.**
- 348 **g. Trees shall be located in landscaped areas at least two hundred (200)**

349 **square feet evenly distributed throughout the parking lot so as to provide a**

350 **canopy effect.**
- 351 **h. All required landscaping is subject to periodic inspection.**
- 352 **5. Trees. - existing healthy trees are encouraged to be preserved where possible.**

 - 353 **a. For private developments, any live oak, cypress, and magnolia trees six (6)**

354 **inches dbh preserved may be counted toward the required new tree**

355 **plantings for that site.**
 - 356 **b. New trees must have a minimum dbh of 1.5 inches and be a minimum of 4.0**

357 **feet tall at the time of planting and be guaranteed to survive for one year.**
- 358 **6. Planting Area Maintenance**

 - 359 **a. The responsibility for maintenance of a planting area shall remain with the**

360 **owner, lessee or a designee.**
 - 361 **b. All plant materials must be maintained in an attractive and healthy**

362 **condition. Maintenance includes, but is not limited to, watering, mulching,**

363 **mowing, weeding, removal of litter and dead plant material, and necessary**

364 **pruning and trimming.**
 - 365 **c. Necessary pruning and trimming must be in accordance with the *American***

366 ***National Standards for Tree Care Operations: Tree Shrub and Other Woody***

367 ***Plant Maintenance – Standards Practices (Pruning)*, and must not be**

368 **interpreted to include topping of trees through removal of crown material**

369 **or the central leader, or any other similarly severe procedures that cause**

370 **irreparable harm to the natural form of the tree.**

d. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.

e. Failure to Maintain

a. In the event that the owner of a landscaped area fails to maintain the area according to the standards of this paragraph, the Parish reserves the right to recover the cost of enforcement, including reasonable attorney fees.

b. The Parish may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the landscaped area.

7. Recommended Trees – the following list of trees indicate plantings that will meet the screening and shading requirements of this Ordinance. Plants were selected for inclusion on these lists according to general suitability as identified by the Louisiana State University (LSU) Agricultural Center, which may be updated periodically and used as a guide in making landscape planting decisions.

TABLE 8-4: CLASS A TREE LIST	
CLASS A TREES	
Common Name	Scientific Name
Ash, Green	Fraxinus pennsylvanica
American Linden, Basswood	Tilia americana
Bald Cypress	Taxodium disticum
Beech, American	Fagus grandifolia
Bitternut Hickory	Carya cordiformis
Black Gum	Nyssa sylvatica
Black Walnut	Juglans nigra
Cottonwood	Populus deltoides

Elm, American	Ulmus americana
Elm, Cedar	Ulmus crassifolia
Elm, Winged	Ulmus alata
Ginkgo	Ginkgo biloba
Magnolia, Cucumber	Magnolia acuminata
Magnolia, Southern	Magnolia grandiflora
Magnolia, Sweetbay	Magnolia virginiana
Maple, Swamp Red	Acer rubrum ‘Drummondii’
Oak, Blackjack	Quercus marlandica
Oak, Cherrybark	Quercus falcata ‘pagodifolia’
Oak, Cow	Quercus michauxii
Oak, Laurel	Quercus laurifolia
Oak, Nuttall	Quercus nuttallii
Oak, Overcup	Quercus lyrata
Oak, Southern Red	Quercus falcata
Oak, Sawtooth	Quercus acutissima
Oak, Shumard	Quercus shumardii
Oak, Southern Live	Quercus virginiana
Oak, White	Quercus alba
Oak, Willow	Quercus phellos
Pecan	Carya illinoensis
Pine, Loblolly	Pinus taeda
Pine, Longleaf	Pinus palustris
Pine, Shortleaf	Pinus echinata
Pine, Slash	Pinus elliottii
Pine, Spruce	Pinus glabra
Sweetgum	Liquidambar styraciflua
Tuliptree	Liriodendron tulipifera

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TABLE 8-5: CLASS B TREE LIST	
CLASS B TREES	
Common Name	Scientific Name
Cherry Laurel	Prunus caroliniana
Crabapple, Southern	Malus angustifolia
Dogwood	Cornus sp.
Fringe Tree	Chionanthus virginicus
Golden Raintree	Koelreuteria bipinnata
Holly, American	Ilex opaca
Holly, Cassine	Ilex cassine
Holly, Fosters, Greenleaf, Savannah	Ilex ‘attenuata’ cultivars
Loquat	Eriobotrya japonica

Magnolia, Oriental	Magnolia soulangiana
Parsley Hawthorn	Crataegus marshallii
Persimmon	Diospyros virginiana
Pistachio	Pistacia chinensis
Plum, American	Prunus americana
Plum, Mexican	Prunus mexicana
Red Bay	Persea borbonia
Redbud	Cercis canadensis
River Birch	Betula nigra
Sassafras	Sassafras albidum
Silverbell	Halesia diptera
Vitex	Vitex agnus-castus
Wax myrtle	Myrica cerifera
Yaupon	Ilex vomitoria

E. Applicability.

The requirements of this section shall apply to new construction. For existing sites and redevelopment the requirements of this section shall apply to all additions of fifty (50) percent or more to the floor area. For existing sites and redevelopment with additions of less than fifty (50) percent of the floor area, the Zoning Regulatory Administrator shall determine the applicability of this section to the required site plan.

Existing code language is displayed as normal font; language recommended for removal is shown as ~~strike through font~~; new language is displayed in **bold font**.

DRAFT 05.26.2015 SUMMARY OF UPDATES: The use variances were removed from the existing code language. State guidelines for variances were added to direct variances granting procedure.

Section XIII. The Board of Adjustment is established and its powers and duties are prescribed.

A. *[Created.]* A Board of Adjustment **has been** created pursuant to Title 33, Section 4727 of the Revised Statutes of Louisiana.

1. The word "Board" shall be used hereafter when reference is made to the Board of Adjustment.

2. The Board shall consist of seven (7) regular members all of whom shall be ~~landowners~~ **and** qualified voters of St. Charles Parish. The initial terms of the members representing Districts I, III, V, and VII shall be two (2) years; the initial terms of the members representing Districts II, IV, and VI shall be three (3) years. Thereafter members shall be appointed for terms of four (4) years each; members shall be limited to serve two consecutive terms. Each District Council member shall nominate a representative that resides in their District to be considered for appointment by the Parish Council. Terms of the members holding office on the effective date of Ordinance No. 98-11-2 shall expire when the District appointments are in place or within sixty (60) days, whichever occurs first. If a member is not nominated or confirmed within sixty (60) days of any expired term or resignation, either of the two (2) Councilmembers At Large may nominate a person.

3. At the first meeting of the calendar year, the board shall elect a chairman and vice-chairman who shall serve for one (1) year. The vice-chairman shall act as chairman during absence of the chairman.

4. The Board shall adopt rules in accordance with R.S. 33:4727. Said rules shall be approved by the Parish Council by resolution.

B. [Powers.] The Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of R.S. 33:4721 through R.S. 33:4729 of any ordinance adopted pursuant thereto;

2. To hear and decide all matters referred to it or upon which it is required to pass under the Ordinance; and

3. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, to vary or modify the application of any of the regulations or provisions of the Ordinance relating to the construction or alteration of buildings or structures ~~or the use of land~~ so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

4. In any permitting case where a special permit use or a special exception use approval by the St. Charles Parish Council, Planning and Zoning Commission, and/or Planning Director is required, the Zoning Board of Adjustments shall have no authority to grant variances.

5. *Appeals to the Board.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the Parish of St. Charles affected by any decision of the Planning Director or duly authorized representative.

Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal if [is] taken and on the cause shown.

6. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

D. Meetings of the Board.

1. The Board shall hold at least one (1) regular meeting on the third Thursday of each month at a meeting time established by said Board, and the location of each meeting shall be the Parish Council Chambers in the Courthouse, Hahnville. If a meeting cannot be held for lack of a quorum on the date of the regular meeting an alternate meeting will be held the following Thursday at the same time and location. Special meetings may be called by the Chairman, Director of Planning, or at the written request of any four (4) members of the Board. In the event no applications are scheduled for public hearing, the regularly scheduled meeting may be canceled.

2. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public records.
3. The Board shall follow Robert's Rules of Order unless in conflict with state law.
4. A vote of the majority of the members present and voting shall be necessary to ~~reverse any order, requirements, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect [effect] any variation-~~ **approve, approve with modifications, or deny the application or request.**
5. Unless otherwise voted on by the Board of Adjustment, the Board will consider cases in the order in which they were filed.
6. The Director of the Planning and Zoning Department will serve as the secretary to the Board and handle all correspondence as well as record any objections and rulings of the Board.
7. The Board will require the following from each petitioner, which shall be submitted through the Planning and Zoning Department, with the application.
 - a. An application and adjourning property owner form completed in full.
 - b. Survey, maps, plats, photographs and other records, as may be necessary to show cause for a decision by the Board.
 - c. Copy of the letter from the Planning and Zoning Department of St. Charles Parish rejecting the application.
 - d. Fees. A fee of fifty dollars (\$50.00) for single family residential. A fee of one hundred dollars (\$100.00) for all other applications. **No public hearing will be held on any case until all required fees are paid in full. No fees shall be refunded once a case or petition has been advertised for a public hearing.**

8. Advertising. The Board shall schedule and hold a public hearing to consider all applications.

a. The Board's secretary shall notify each petitioner at the address listed on the application, identifying the date and time of the public hearing. The Department of Planning and Zoning shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. (Ord. No. 92-10-8, § II, 10-5-92)

b. The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning.

c. The public hearing shall be advertised in the official journal of the Parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing.

d. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners.

e. Following this public hearing, the decision of the Board will be implemented by the Planning and Zoning Department.

9. The Board's secretary shall give written notification of the action taken by the Board.

10. The Board shall specify that the Planning and Zoning Department should accept applications and review each application to insure that the necessary information has been included. No reapplication of a variance request or interpretation previously denied by the Board shall be accepted for the same property. This rule applies to all cases in which the identity of the thing applied for and the persons and/or entities involved are the same.

11. The Board shall elect a Chairman who shall preside over the meetings. The Board shall have the power to compel attendance of witnesses. The Board shall also elect a Vice-Chairman who shall act in the absence of the Chairman. Terms of the Chairman and Vice-Chairman shall be for a period of one (1) calendar year; members may serve consecutive terms for either position. The Chairman and Vice-Chairman shall be elected at the last meeting of the calendar year. (Ord. No. 98-11-2, 11-16-98)

12. All questions before the Board shall be decided by roll call vote of the members present. Four (4) members shall constitute a quorum.

13. All persons appearing before the Board shall state their name and address for the record.

E. ~~[Exceptions.]~~ The Board shall permit the following exceptions:

~~1. Use of premises for public utility and railroad purposes, provided that the Board shall find some compelling necessity for the use, and that any office, repair, storage, or garage uses are necessary to the main use, provided further that no such accessory use shall be permitted in R and CR Districts.~~

~~2. Where the boundary line of a district divides a lot held in single ownership at the time of passage of this Ordinance and no dimensions are indicated on the Zoning Maps and the exception appealed for is not more than fifty (50) feet in any direction, and not to exceed five thousand (5,000) square feet, permit the extension of the district to include the entire lot.~~

~~3. Interpret the provision of the Ordinance adopted pursuant to R.S. 33:4721 through 33:4729 in such a way as to carry out the intent and purpose of the plan as shown on the map fixing the several districts, accompanying and made part of this Ordinance where the street layout actually on the ground varies from the street layout as shown on the aforementioned maps.~~

4. ~~To permit the expansion of or the reconstruction of a nonconforming building which has been destroyed or partially destroyed by fire or Act of God where the Board shall find some compelling public necessity requiring continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.~~

5. ~~To permit the location of an individual house trailer in other than R-1A(M) or R-1M Districts provided that:~~

a. ~~Property contains at least one acre and has adequate sewer systems to which a trailer may be connected.~~

b. ~~Any such trailer be located at least one hundred (100) feet from the street and fifty (50) feet from adjacent residences.~~

c. ~~Any such property have at least one hundred (100) feet of frontage on a parish maintained road.~~

6. ~~To permit the location of individual house trailers in the A, R, and C Districts (except C-3) in the event that a residence is destroyed by storm, fire, or Act of God, and such trailer will be allowed only for the period of time that it takes to construct a new residence, subject to the restriction in number 8 below.~~

7. ~~To permit the location of individual house trailers in conjunction with existing residences in all districts in case of extreme hardship provided that:~~

a. ~~Board of Adjustment action will be based on a complete report by the Permit Department to be submitted to the Board for its determination as to whether the case is a true hardship.~~

b. ~~Any house trailer allowed to be located under the provisions of this section may not be rented to anyone other than that person for which the permit was applied.~~

~~c. Where there is an existing residence or mobile home with one existing permitted individual mobile home and the site contains at least three (3) acres and is adequately served with a means of sewage treatment and disposal approved by the Parish Health Unit, the Board of Adjustment may approve one additional mobile home, not for lease or sale but for use of the landowner's family members, provided that there is a demonstrable personal hardship involved.~~

~~8. In the case of any permit authorized under numbers 6 and 7 above, the permit shall be for a period not to exceed two (2) years; except where application is made for an extension at the close of said time period, the Zoning Board of Adjustment may grant such extension on a yearly basis in cases of extreme hardship not to exceed four (4) years, inclusive of the original two (2) years granted. (Ord. No. 92-12-14, § 1, 12-7-92)~~

~~9. To permit the location of individual house trailers or suitable structures on public property in the A, R, and C-1 Districts, needed or thought to be needed by the public authority or authorities in charge of that property in connection with patrolling of the area and protection of the property involved.~~

~~10. To permit the temporarily location of one house trailer or mobile home for a period of not more than six (6) months to be used in conjunction with commercial and industrial uses in all industrial and commercial districts for the purpose of [or] use of a night watchman for protecting the premises from burglary and/or vandalism, provided that over fifty (50) percent of the resident property owners within five hundred (500) feet of the said location sign a petition consenting to such use.~~

~~11. Large tracts for family development on unsubdivided property.~~

~~Application to Zoning Board of Adjustment for review provided the property owner meets the following minimum criteria:~~

~~a. Parcel to have a minimum of fifty thousand (50,000) square feet with a minimum of twenty five thousand (25,000) square feet per dwelling.~~

~~b. Servitude of passage for additional dwelling with a minimum of fifteen (15) feet servitude maintained by the property owner with either shell or gravel not to exceed seven hundred fifty (750) feet in length with sufficient means of turnaround.~~

~~c. No dwelling will be allowed closer than twenty five (25) feet to any adjacent dwelling.~~

~~d. Utility services to dwellings are to be provided and maintained by applicant. Parish will only maintain from existing street frontage.~~

E. Criteria. Based upon the evidence presented at the public hearing, the Board of Zoning Adjustments shall evaluate the application or request by the standards below:

1. No variance will be considered or granted as to the permitted use as this could constitute a spot zone.

2. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district.

3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

4. The special conditions and circumstances do not result from the actions of the applicant.

- 220 **5. Granting the variance requested will not confer on the applicant any special**
221 **privilege which is denied by this Ordinance to other lands, structures or**
222 **buildings in the same district or similarly situated.**
- 223 **6. The variance, if granted, will not alter the essential character of the locality.**
- 224 **7. Strict adherence to the regulation by the property would result in a demonstrable**
225 **hardship upon the owner, as distinguished from mere inconvenience.**
- 226 **8. The request for the variance is not based primarily upon a desire to serve the**
227 **convenience or profit of the property owner or other interested party(s).**
228 **Financial hardships shall not be considered as valid criteria for any such**
229 **variance to existing regulations.**
- 230 **9. The granting of the variance will not be detrimental to the public welfare or**
231 **injurious to other property or improvements in the neighborhood in which the**
232 **property is located.**

233 F. *Public Hearings and Decisions Issued by Board.* In exercising the above mentioned powers
234 such Board may, in conformity with the provisions of the Ordinance, reverse or affirm,
235 wholly or partly, or may modify the order, requirement, decision, or determination appealed
236 from, and may make such order, requirement, decision, or determination as ought to be
237 made, and to that end shall have all the powers of the officer from whom the appeal is
238 taken. Every change granted or denied by the Board shall be accompanied by a written
239 finding of fact, based on sworn testimony and evidence, specifying the reason for granting
240 or denying the variation **to create a factual record.**

- 241 1. The Board of Zoning Adjustments may impose such conditions and restrictions upon
242 the location, construction, design, and use of the property benefited by a variance
243 as necessary or appropriate to protect the public interest and adjacent property.

Failure to maintain such conditions or restrictions as may be imposed constitutes grounds for revocation of the variance.

2. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.

3. The Planning Director shall keep records of all such appeals or applications and of all fees paid therefor and shall transmit all of such fees collected to the Director of Finance for deposit to the general fund of the Parish of St. Charles.

G. *Expiration of Approvals.* A variance expires one (1) year from the date of approval unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period. The Zoning Board of Adjustments may grant an extension of such period, upon written application, and with good cause shown, subject to verification that the approval standards of Paragraph E above are still met.

H. *Appeals to the Decisions of the ZBA.* Any person or persons, jointly or severally, including the petitioner of an appeal, aggrieved by a decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the parish may then petition the court of records as provided in Title 33, Section 4727 of the Revised Statutes of Louisiana. (Ord. No. 98-11-3, 11-16-98)

St. Charles Parish Zoning Ordinance –
Section XIV. Amendments, Section XV. Amendment Procedure

Existing code language is displayed as normal font; language recommended for removal is shown as ~~strikethrough font~~; new language is displayed in **bold font**.

DRAFT 05.26.2015 SUMMARY OF UPDATES: an initial section defining the types of rezonings was created to improve the clarity used in describing the amendment process. “Application” has replaced the term “petition” for consistency and relevance. The initiation and application processes for amendments were simplified and language was reduced to improve comprehension. The council amendment procedure was simplified and made more clear.

SECTION XIV. Amendments ~~and petitions~~

A. Types of Amendments. There are two types of amendments to the Zoning Ordinance:

1. Text Amendment – A revision to the text of the Zoning Ordinance.

2. Map Amendment – Also known as a rezoning, changes the zoning district designation of a lot or lots.

B. Initiation of Amendments. The Parish Council may amend, supplement, or change the **Zoning Ordinance or Zoning Map** ~~regulations, restrictions, or boundaries herein or subsequently established.~~ Such amendment, supplement or change may be initiated by:

- ~~1. Introduction of an ordinance~~ **Request for Text or Map Amendment by a member of** the Parish Council;
2. Recommendation of the Planning and Zoning Department through the Parish President; and
- 3. Application for Map Amendment by** ~~Petition of property owners, as specified in subsection B. of this section.~~

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~~No such amendment shall be effective unless:~~

- ~~1. The Council has received a full report from the Planning and Zoning Department on the merits of the proposed amendment including a recommendation by the Commission; and~~
- ~~2. The Council has held a public hearing on the proposed amendment offering standard public notice according to Council rules. (Ord. No. 82-6-4, § II, 6-7-82; Ord. No. 97-3-15, § III, 3-24-97; Ord. No. 11-4-30, § I, 4-16-11)~~

C. Application for Map Amendments ~~Petitions: Applications~~ Petitions by property owners for a map amendment the amendment, supplementation, or change of the Zoning Ordinance shall be filed with the Parish Council through the Planning and Zoning Department. In filing such petitions the following rules shall apply:

- 1. Applications for rezoning may be submitted for any lot(s) by the ownership of said lot(s). Applications for rezoning may be submitted by a member of the St. Charles Parish Council for any lot(s) within the area they represent. No such application for rezoning** ~~petition for a change in the classification of property~~ shall be filed unless such petition is duly signed and acknowledged by the owners or authorized agents of not less than fifty (50) percent of the area of land for which a change of classification is requested., provided, however, that, where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty (50) percent area provision.
- 2. Each application** ~~petition for rezoning a change in the classification of property~~ shall conform to such standards and requirements as the Planning and Zoning Department shall adopt.

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3. ~~Each petition shall be accompanied by a deposit of forty dollars (\$40.00) for each text change not involving acreage or five dollars (\$5.00) for each acre of land or portion therefor for which a change of classification is proposed or recommended; however, the minimum fee shall not be less than forty dollars (\$40.00) regardless of acreage, and the maximum fee shall not exceed two hundred dollars (\$200.00) which shall apply for all acres of forty (40) acres or more. Under no conditions shall said sum or any part thereof be refunded for failure of said change to be adopted by the Parish Council.~~

4. Whenever **an application** ~~a petition~~ is filed requesting a change or amendment to this Ordinance, and said **application** ~~petition~~ has been finally acted upon by the Parish Council, or when said **application** ~~petition~~ has received no action on the part of the Parish Council within ninety (90) days, or when said **application** ~~petition~~ has been officially advertised for public hearing but has subsequently been withdrawn either before or after public hearing has been held, then the Parish Council shall not consider any further **application** ~~petition~~ requesting or proposing such change or amendment for the same property within a period of one calendar year from the date of the Parish Council's final legal action on said **application** ~~petition~~ or from the aforesaid ninety-day period in case action has not been taken by the Parish Council, or from the date of withdrawal of said **application** ~~petition~~, provided, however, that said **application** ~~petition~~ has been officially advertised. This provision shall not apply in cases where the Parish Council wishes to consider **an application** ~~a petition~~ involving a comprehensive zoning revision of an area larger than one hundred (100) acres.

SECTION XV. AMENDMENT PROCEDURE.

A. The Council may amend this Ordinance when amendments are properly introduced as outlined in Section XIV. No such amendment shall be effective unless:

St. Charles Parish Zoning Ordinance –
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69 1. ~~The Council has received a full report from the Planning and Zoning Department on the~~
70 ~~merits of the proposed amendment including a recommendation from the Commission~~

71 **The Planning Commission has received a full report from the Planning and**
72 **Zoning Department on the merits of the proposed amendment and the**
73 **Commission has held a public hearing on the proposed amendment offering**
74 **standard public notice according to the Commission rules; and**

75 2. ~~The Council has held a public hearing on the proposed amendment offering standard~~
76 ~~public notice according to the Council rules~~ **The Council has received a full report**
77 **from the Planning and Zoning Department on the merits of the proposed**
78 **amendment including a recommendation from the Commission; and**

79 3. The Council has held a public hearing on the proposed amendment offering standard
80 public notice according to the Council rules. (Ord. No. 82-6-4, § II, 6-7-82; Ord. No. 97-
81 3-15, § IV, 3-24-97; Ord. No. 11-4-30, § II, 4-16-11)

82 B. Following review by the Planning and Zoning Department, a public hearing will be held by
83 the Planning and Zoning Commission. The Planning and Zoning Department shall post a
84 sign on the affected property which calls attention to the public hearing at least ten (10)
85 days prior to that hearing date. Similar notification shall also be posted at the principal office
86 of the Department of Planning and Zoning. The public hearing shall be advertised in the
87 official journal of the Parish at least three (3) times on at least three (3) separate weeks,
88 and at least fifteen (15) days shall elapse between the first publication and the date of the
89 hearing. Notice of the time and place of the public hearing shall be sent by certified mail not
90 less than ten (10) days in advance of the hearing to all abutting property owners. Following
91 this public hearing, the recommendation of the Planning and Zoning Commission shall be
92 forwarded to the Parish Council by the Planning and Zoning Department. ~~Prior to the~~
93 ~~scheduling of said public hearing, any applicant for a proposed amendment shall deposit~~

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~~with the Director of Finance the required and designated fee payable to the account of the Parish of St. Charles. (Ord. No. 92-10-8, § III, 10-5-92; Ord. No. 93-7-4, § II, 7-6-93; Ord. No. 97-3-15, § V, 3-24-97)~~

C. ~~Any such protest herein described shall be filed in the Office of the Council Secretary at least one week in advance of the Council meeting at which there is to be a public hearing on a proposed amendment, and each such petition shall show the lot and square number, subdivision name or description of each signer's property, along with the street address. (Ord. No. 93-8-5, § I, 8-9-93)~~

D. ~~Upon receipt of a petition for a change or amendment, the Council shall refer the matter to the Commission which shall have thirty (30) days to render a recommendation upon the merits of the amendment. The~~ **A Planning Commissioner** ~~member~~ making a motion which differs from the Planning Staff recommendation may render a written statement in suitable form, for transmittal by the Secretary with the Commission and Staff reports to the Council. In addition, any other member may submit a written opinion on the matter, which shall be transmitted to the Council by the Secretary along with the Commission report. ~~These may refer to the following guidelines and criteria.~~

E. *Rezoning Guidelines and Criteria:* Before the Commission **makes a recommendation** ~~recommends~~ or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. **The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.**

2. **The** Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the ~~proponent's~~ **applicant's** property and adjacent

~~property. Reasonableness is defined as~~ **One or more of following examples may be used in evaluating reasonableness:**

- a. **Consideration of uses on adjacent properties that would limit the use of the site under consideration.** ~~Land use the same as, or similar to that existing on properties next to, or across the street from the site under consideration.~~
- b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
- c. Consideration of changes in land value, physical environment or economic aspects which ~~tend~~ **can be shown** to limit the usefulness of vacant land or buildings.

3. **Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.** ~~The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:~~

- ~~a. Undue congestion of streets and traffic access.~~
- ~~b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.~~
- ~~c. Land or building usage which is, or may become incompatible with existing character or usage of the neighborhood.~~
- ~~d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.~~

4. ~~The proposed zoning change is in keeping with zoning law and precedent, in that:~~

- ~~a. It is not capricious or arbitrary in nature or intent.~~

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~~b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.~~

~~c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.~~

~~d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.~~

~~As far as possible, the~~ **The** Planning Staff should base rezoning analyses on these criteria **but shall not be prohibited from factoring unique circumstances of the application into the analysis.** The Planning and Zoning Commission may state in its recommendations to the Council: ~~(i)~~ its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or ~~(ii)~~ its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations. (Ord. No. 93-8-5, § II, 8-9-93; Ord. No. 11-4-30, § III, 4-16-11)

F. Rezoning Approval Criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:

1) The proposed Map Amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use. Map.

and

2) The proposed Map Amendment does not negatively impact the health, safety, and welfare of the community.

G. *Withdrawal of applications:*

1. Any application which the applicant wishes to withdraw from a ~~Zoning~~ **Planning** Commission public hearing must be withdrawn by written notice to the **Department of Planning and Zoning** ~~Commission office~~ not later than ~~the~~ Wednesday at noon preceding the Commission meeting, and following such withdrawal will not be accepted for readvertisement for six (6) months, except on majority vote by the Commission.
2. When application is duly advertised and not withdrawn as set forth above, a public hearing shall be held by the Commission and a report forwarded to the Council along with any **application** ~~applicable petition~~ received. **Said application**, and may be withdrawn from Council action only by written request to the ~~Parish~~ **Council Secretary Clerk** before ~~closing of the Council agenda on~~ Thursday at noon preceding the public hearing.; ~~any~~ **Any** such application withdrawn in this manner shall not be accepted for readvertising for one year.
3. Any rezoning application withdrawn after Commission action but prior to Council action may be refiled with the Commission in less than one year provided that the Commission approves a written request showing there is evidence not previously considered or extenuating circumstances.
4. **Any rezoning application denied by Council shall be prohibited for applying for the same Map Amendment for a period of one year from the date of denial.**

St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

Section XXII. Regulations for Home Occupations was replaced in whole. Existing code language is displayed as ~~strikethrough font~~ and the updated language is displayed in **bold font**.

DRAFT 05.26.2015 SUMMARY OF UPDATES: The purpose of the Home Occupation Regulations was revised to provide more explanation of the intention of the regulations. The unexhausted list of commonly permitted uses of home occupations was expanded to reflect applicant trends in the Parish. The home occupation permitting process and operational regulations were made more clear and concise. The formatting of revocation was changed to provide more clarity and legibility. The appeal process was made more concise.

Section XXII. Regulations for Home Occupations.

~~A. **General:** It is the intent of this section to regulate home occupations in residential zones. A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.~~

~~B. **Permit Process:**~~

~~1. **Pre Application Orientation:** The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of~~

St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

~~Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.~~

~~2. Application: A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00) for those home occupations that require state permits and/or licenses and twenty five dollars (\$25.00) for those home occupations that do not require state licenses or permits. The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.~~

~~3. Departmental Review: The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.~~

~~4. Public Notice and Comment:~~

~~a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.~~

~~b. A copy of the application shall be forwarded to the District Councilman and both Councilman At Large.~~

~~5. Determination: The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to~~

St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

~~neighboring properties, requirements for state permits and licenses, and take one of the following actions:~~

~~a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.~~

~~b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.~~

~~c. Deny the application.~~

~~(Ord. No. 06-12-6, § 1, 12-4-06; Ord. No. 09-8-1, § 1, 8-3-09)~~

~~C. Operational Regulations:~~

~~1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.~~

~~2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.~~

~~3. There shall be no signs posted which indicate the existence of the home occupation.~~

St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

72 ~~4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than~~
73 ~~one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in~~
74 ~~connection with the home occupation. (Ord. No. 03-8-11, § 1, 8-18-03)~~

75 ~~5. Only the residents of the premises shall be engaged in the home occupation.~~

76 ~~6. There shall be no outdoor storage of materials or products on the premises except as~~
77 ~~otherwise permitted by the Planning Director. Indoor storage of material or products~~
78 ~~shall not exceed twenty (20) percent of the gross floor area of the dwelling.~~

79 ~~7. Home occupations, except for horticultural uses, shall be conducted only within a~~
80 ~~structure on the premises.~~

81 ~~8. The home occupation shall not eliminate required off street parking.~~

82 ~~9. The home occupation shall not cause any external effect associated with the home~~
83 ~~occupation, such as increased noise, excessive traffic, excessive lighting, or offensive~~
84 ~~odor, which is incompatible with the characteristics of the residential zone, or in~~
85 ~~violation of the revisions of any applicable governmental code. There shall be no illegal~~
86 ~~discharge of materials, fluids, or gases into the sewer system, or any other manner of~~
87 ~~discharging such items in violation of any applicable governmental code.~~

88 ~~10. The resident or residents engaged in the home occupation shall possess a current St.~~
89 ~~Charles Parish Occupational License and health certification from the Parish Health~~
90 ~~Unit when required. An inspection approval from the State Fire Marshal shall be~~
91 ~~required when any food preparation requiring ovens or stoves, mechanical equipment,~~
92 ~~a simple kiln, or gas-fired fixture are necessary for production.~~

93 ~~11. Home occupation activities which include the manufacture, sale, or repair firearms (or~~
94 ~~any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning~~

St. Charles Parish Zoning Ordinance – Section XXII. Regulations for Home Occupations

~~districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)~~

~~12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)~~

~~13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)~~

~~D. *Revocation of Home Occupation Permit:* A home occupational permit shall be revoked by the Planning Director upon violation of any requirement of this Code, or of any condition or requirement of any permit granted, unless such violation is corrected within five (5) days of notice of such violation. Any such permit may be revoked after three (3) violations of any requirements of this section, or of the conditions of such permit, or where the Planning Director finds that the continuation of the home occupation permit will have a detrimental effect upon the surrounding subdivision. The Planning Director may conduct a public hearing on the revocation of a home occupation permit.~~

~~E. *Appeal:* In the event of the approval or the denial of any permit, or the revocation thereof, or of any objection to the limitations or conditions, or the lack of limitations or conditions placed thereon, appeal may be made in writing by the original applicant or resident of the surrounding subdivision to the Board of Adjustments in accordance with the provisions of section XIII of this Code.~~

~~(Ord. No. 87-4-11, 4-20-87; Ord. No. 92-11-16, § II, 4-6-92)~~

Purpose: It is the intent of this section to regulate home occupations in residential uses.

A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the appearance or character thereof or adversely affect neighboring. The intent of these regulations is to preserve the character of the neighborhood, to limit activities that may adversely impact the area, such as increasing noise, traffic, dust, smoke, emissions, and electromagnetic interference; and to foster the growth of small businesses in the community.

A. When in compliance with the requirements of this section, a home occupation shall be similar in type or character, but not limited to the following uses: Art studio, Child care for not more than six children, Contracting services, Cosmetology, Crafting, Dressmaking, Alterations, Tailoring, Internet based sales, Professional offices, Teaching or tutoring inclusive of arts.

B. *Permit Process:*

1. Pre-Application Meeting: The Planning Director, or his designated staff, shall advise applicants of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish Code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.

2. Application: A citizen who proposes appropriate activities at a residence that is not in violation of the Code of Ordinances may apply for a permit for a home

143 **occupation. The applicant must agree to follow operational regulations listed in**
144 **Section C. When an applicant does not own the subject property, the applicant**
145 **must provide notarized endorsement of the application by the property owner.**

146 **3. Departmental Review: The Planning Director, or his designated staff, shall**
147 **determine whether the proposed use complies with the operational regulations**
148 **of this section.**

149 **4. Public Notice and Comment:**

150 **a. Once the Planning Director has determined that the proposed use meets the**
151 **general parameters of this code and the operational requirements of this**
152 **section, the property shall be posted for ten (10) days with a sign stating that**
153 **the resident has applied for a permit to operate a home occupation and that**
154 **the Department of Planning and Zoning will receive and record public**
155 **comment on the application for the same ten (10) calendar days.**

156 **b. If objections to the proposed activity are submitted to the Planning Director,**
157 **the application will be forwarded to the Planning Commission for public**
158 **hearing and consideration.**

159 **5. Determination: The Planning Director, or his/her designee, shall consider the**
160 **nature of the home occupation, the operational regulations, the relationship of**
161 **the proposed home occupation to neighboring properties, requirements for state**
162 **permits and licenses, and take one of the following actions:**

163 **a. Issue a Home Occupational Permit with or without written conditions, for**
164 **those occupations that do not require state or federal permits or licenses.**

b. Forward applications requiring state or federal permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and decision.

c. Deny the application.

C. Operational Regulations:

1. No dump truck, bus, construction vehicle, semi-truck, or vehicle of similar nature shall be permitted to park on the subject property as part of a home occupation. Any vehicle or trailer that will be used in the operation of a home occupation must be documented with photographs as part of the application process.

2. There shall be no signs posted which indicate the existence of the home occupation. No non-resident employees or contractors associated with the home occupation will visit the home for business purposes—this includes, but is not limited to picking up work assignments, materials, or payment.

3. There shall be no outdoor storage of materials or products on the premises.

4. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.

5. The home occupation shall not eliminate or impede required off-street parking.

6. The home occupation shall not cause any external effect such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential area, or in violation of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.

- 190 **7. The resident or residents engaged in the home occupation shall possess all**
191 **required licenses including a St. Charles Parish Occupational License”;**
192 **Department of Health and Hospitals; and other state or federal permits or**
193 **licenses.**
- 194 **8. No alcoholic beverages shall be sold, offered, or provided in connection with**
195 **the operation of a home occupation.**
- 196 **9. Home occupation permits are not transferrable as to person or location.**
- 197 **10. Home occupation activities which include the manufacture, sale, or repair**
198 **firearms (or any related commercial activity) shall be prohibited in R-2 and R-3**
199 **residential zoning districts, and shall be additionally prohibited on**
200 **residentially zoned lots which contain more than one dwelling unit.**

201 **D. *Revocation of Home Occupation Permit:***

- 202 **1. A home occupational permit may be revoked by the Planning Director upon**
203 **violation of any requirement of this Code, or of any condition or requirement**
204 **of any permit granted, unless such violation is corrected within five (5) days**
205 **of notice of such violation.**
- 206 **2. Any such permit may be revoked after three (3) violations of any requirements**
207 **of this section, or of the conditions of such permit, or where the Planning**
208 **Director finds that the continuation of the home occupation permit will have a**
209 **detrimental effect upon the surrounding subdivision or neighborhood.**
- 210 **3. The Planning Director may conduct a public hearing on the revocation of a**
211 **home occupation permit.**

212 **E. *Appeal:* Any and all appeals to the decision of the Planning Director/Planning**
213 **Commission shall be to the St. Charles Parish Board of Adjustments in accordance**
214 **with the provisions of section XIII of this Code.**

Revised Fee Structure For Land Use Applications.

Purpose of Fees

Local governments across the country, including St. Charles Parish, charge fees for the array of requests for zoning and other land use regulation issues. These fees help defray the costs of staff time to receive the applications, review submittals, inspections, and other time spent processing the case. The fees charged generally do not fully cover the full costs of staff time, but do help defray at least some. The question is whether the fees charged by the Parish for rezoning requests, variance requests, subdivision approvals, etc. are fair or at least in line with other parishes and municipalities.

The following research was done to help determine an appropriate fee structure for St. Charles Parish:

- A look at the purpose of establishing fees.
- A random review of local governments in Louisiana, particularly southeast Louisiana.
- American Planning Association – a survey of local governments' fees in various communities along the Gulf Coast of Mississippi, Alabama, and Florida.
- Discussions with St. Charles Parish planning department staff regarding time and effort for each review process

Findings

- Compared to communities in other states, Louisiana municipalities and parishes charge much lower fees.
- Compared to other communities in southeast Louisiana, St. Charles Parish generally has lower fees for most, not all, applications and approval requests.

MERRITT C. BECKER, JR.

UNO TRANSPORTATION INSTITUTE

Report on Fee Structure

Comparison to Other Communities by Request

One way to judge whether fees charged are appropriate is by comparison to other communities, especially neighboring parishes and communities. However, these communities' fee schedule may be in need of revisions and updating as well.

- *Variance Requests* (including appeals) – St. Charles is slightly out of line in the fees charged here charging \$50 for a variance request in a residential district, \$100 for a commercial or industrial district variance request.¹ This is the same as the neighboring City of Kenner, which is in the process of revising and raising this fee. The average of these fees is **\$121.00**.

<u>Community</u>	<u>Request</u>
	<i>Variance</i>
<i>St. Charles</i>	\$ 50.00
	\$ 100.00
<i>St. John</i>	\$ 75.00
<i>Mandeville</i>	\$ 75.00
<i>Lake Charles</i>	\$ 200.00
<i>New Orleans</i>	\$ 150.00
	\$ 250.00
<i>Kenner</i>	\$ 50.00
	\$ 100.00
<i>Gretna</i>	\$ 50.00
<i>Monroe</i>	\$ 150.00
<i>Jefferson Parish</i>	\$ 200.00

¹ St. Charles Parish Zoning Ordinance, Section XIII., B., 8.

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- *Rezoning* - In this category, St. Charles Parish is all alone at the low end of the scale at \$40.² Many communities, i.e., Mandeville, charge a base fee (\$75), then so much an acre involved in the request to a maximum of \$2,100. The chart below shows a wide range of fees by community but St. Charles is by far the lowest. The average fee for the initial base fee in the sample is **\$180**. Excluding the City of New Orleans, the average is **\$97.00**.

<u>Community</u>	<u>Request</u>	
	<i>Rezoning (map)</i>	<i>Text Change</i>
<i>St. Charles</i>	\$ 40.00	
<i>St. John</i>	\$ 200.00	\$ 40.00
	\$ 7,000.00	
<i>Mandeville</i>	\$ 75.00	
	\$ 2,100.00	
<i>Lake Charles</i>	\$ 500.00	
<i>New Orleans</i>	\$ 1,000.00	
	\$ 4,000.00	
<i>Kenner</i>	\$ 100.00	\$ 100.00
	\$ 5,000.00	
<i>Gretna</i>		
<i>Monroe</i>	\$ 250.00	\$ 100.00
	\$ 2,500.00	
<i>Jefferson Parish</i>		\$ 200.00

² St. Charles Parish Zoning Ordinance, Section XIV., B., 3.

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- *Special Exception / Permit (Conditional Use)* – St. Charles Parish’s “Special Exception Uses” and “Special Permit” process are similar to other communities’ “Conditional Use” process. Again, St. Charles is on the low end of the scale.³ The average of these is **\$112.00**, excluding the City of New Orleans’ fees.

<u>Community</u>	<u>Request</u>
	Cond. Use
<i>St. Charles</i>	\$ 50.00
<i>Mandeville</i>	\$ 75.00
<i>Lake Charles</i>	\$ 75.00
	\$ 250.00
<i>New Orleans</i>	\$ 1,160.00
	\$ 4,640.00
<i>Kenner</i>	\$ 100.00
<i>Monroe</i>	\$ 125.00

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- *Resubdivision (Minor)* - St. Charles Parish is more in line with other communities for fees for minor resubdivision requests. The average of the communities below is \$166.00.

<i>Community</i>	<i>Request</i>
	<i>Resub</i>
<i>St. Charles</i>	\$ 100.00
<i>St. John</i>	\$ 200.00
<i>Mandeville</i>	\$ 300.00
<i>New Orleans</i>	\$ 200.00
<i>Kenner</i>	\$ 100.00
<i>Jefferson Parish</i>	\$ 100.00

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- Major Subdivisions** - St. Charles Parish is close to the average for Major Subdivision application fees. In most cases the two numbers in each community represent the base fee and a per acre charge with the maximum fee charged. \$5,000 is almost standard for the maximum fee. The City of Mandeville, however, the \$5,000 is the base fee for any subdivision over five (5) acres and then an additional \$250 per lot for residential subdivisions and an additional \$1,000 per acre for high density residential and commercial developments. These requests generally include extensive review not just of the planning and subdivision regulations, but also of the proposed infrastructure.

<i>Community</i>	<i>Request</i>
	<i>Subdiv - Major</i>
<i>St. Charles</i>	\$ 100.00
	\$ 5,000.00
<i>St. John</i>	\$ 200.00
	\$ 5,000.00
<i>Mandeville</i>	\$ 250.00
	\$ 5,000.00
<i>Kenner</i>	\$ 100.00
	\$ 5,000.00
<i>Monroe</i>	\$ 20.00
	\$ 2,500.00
<i>Jefferson Parish</i>	\$ 200.00
	\$ 5,000.00

- Zoning Verification** – St. Charles Parish does not currently charge a fee for a request to verify the current zoning designation of a property. However, such requests can be time consuming for the staff and, for this reason, many communities are starting to charge a fee. There are also liability issues involved and most communities respond to these requests in writing, and require a formal written request to get the process started. This is to also have a written verification of the request should there be any dispute about the nature and particulars of the request later.
 - City of Baton Rouge \$50/\$100 per Location
 - Shreveport \$50
 - Kenner \$75

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- *Home Occupation Permits*
 - Shreveport - \$50
 - St. John Parish \$50
 - Kenner \$75

Recommendations

The ***Fee Schedule – draft May 2015*** reflects a reasonable set of fees that helps recover some of the costs of processing and review of planning applications while not imposing onerous fees on developers and property owners.

Fee Schedule

- A. *Fee required:* Any application for action pursuant to this Zoning Ordinance shall be subject to the required fee.
- B. *Amount of fee:* The amount of fees for development permits and applications shall be as established by resolution of the parish council and as shown in the appendix of this ordinance.
- C. *Payment:* All fees shall accompany the application, shall be made payable to the parish and shall be submitted to the planning director.
- D. *Exemptions:* No fee is required for an application filed for a publicly owned facility.
- E. *Fee refunds:* All fees are non-refundable.

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FEE SCHEDULE		
REQUESTED ACTION	FEE	
<i>Comprehensive Land Use Plan Amendment</i>	\$ 250.00	
<i>Rezoning (map)</i>	\$200.00 plus \$100/acre over the first 2 acres, maximum \$5,000.00	
<i>Zoning Text Change</i>	\$ 100.00	
<i>Variance</i>	\$ 100.00	Residential
	\$ 200.00	Commercial
<i>Special Permit Use and/or Special Exception Use</i>	\$ 100.00	Residential
	\$ 200.00	Commercial
<i>Zoning Verification Letter</i>	\$ 75.00	
<i>Home Occupation Permit</i>	\$ 75.00	
<i>Resubdivision</i>	\$ 150.00	
<i>Subdiv - Major Preliminary Plat</i>	\$100 + \$25 per lot, maximum \$5,000	Residential
	\$100 + \$100 per acre, maximum \$5,000	Commercial
<i>Final Plat</i>	Prior to Parish Council approval of the final plat, all administrative costs (advertising, notification, etc.) shall be reimbursed to the Parish.	

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